

Employment

POLICIES & PROCEDURES



CITY OF LYNCHBURG
OCTOBER 2016

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"We, the employees of the City of Lynchburg, are dedicated, service-oriented individuals working together to serve our community. We act responsibly and with integrity. We value open and honest communication. We respect all individuals. We recognize that our actions and behaviors reflect upon ourselves, our co-workers and the City."

The City of Lynchburg's "Employment Policies & Procedures" manual is a publication of the Human Resources Department in cooperation with the City Manager's Office, City Attorney, and Communications and Marketing Department. These policies do not imply or create a vesting or a contract entitling City employees to any specific benefits or policies from the City. The contents of this manual and the City of Lynchburg's policies and procedures may be changed at any time so long as they are in compliance with all applicable Federal, State and local employment laws and regulations. October 1, 2016.



Message from the City Manager

In the pages that follow you will find the City of Lynchburg's formal employment policies and procedures that guide the management of our most valuable resource, its people.

Our mission every day is to deliver services to City residents, workers and visitors in an efficient, effective and equitable manner and to build a stronger community. Arts & Culture, Citizen Engagement and Social Capital, Economic Development, Infrastructure, Land Use, Lifelong Learning, Natural Resources, Neighborhoods, Safe Community, Social Equity, and Transportation are the pillars that support making our City "A Great Place to Live, Work and Play." We promise to do this through our values of Open Communication, Customer Focus, Personal Responsibility, and Integrity.

As a City of Lynchburg employee you are also an ambassador, representing the City on a daily basis. As an ambassador for the City, my expectation is that you will comply with the policies and procedures that are outlined. In addition, while not a policy or a procedure, I also ask that you exhibit excellent judgement and common sense in your delivery of services to our citizens and to each other.

Thank you for giving your very best to our City each day!

Bonnie Sreek



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1

Introduction

I. General Information

- A.** This document contains the employment policies and procedures that provide guidance to effectively manage human resources within the City of Lynchburg. While no set of written policies can include every possible situation, these policies, when used as a whole, provide effective guidance and sufficient flexibility to allow independent judgment while ensuring accountability to the public and consistent, equitable decision making.
- B.** The Director of Human Resources develops policy recommendations and the procedures necessary for implementation of policy and serves as a source of expertise on the intent and application of the City's Employment Policies. In cases where several policies apply to the same situation, or where conflicts appear to exist, the City Manager and/or Director of Human Resources are authorized to make a determination as to the intent and application. The City Manager has final authority for the approval and administration of employment policies and procedures.
- C.** All employees of the City of Lynchburg, i.e., persons who perform work for the City in return for financial compensation, except independent contractors and elected officials are governed by these employment policies and procedures. An employee working for a Constitutional Officer is considered a Constitutional employee and may be covered by some or all of the City of Lynchburg Employment Policies by Memorandum of Understanding between the City and the Constitutional Officer.
- D.** The City Manager may make exceptions to the policies in special or unusual situations when in his or her opinion an exception would be in the best interest of the City. Exceptions are documented and maintained by the Human Resources Department. No member of the City administration, other than the City Manager, has the authority to modify any of the terms or provisions of these "Employment Policies and Procedures."
- E.** Policies take effect on the date of City Council and/or City Manager approval, as appropriate, and shall supersede all previously issued policies. Policies and procedures are issued and maintained by the Director of Human Resources. When changes to policies and procedures are approved, information regarding changes will be communicated to the workforce. The Human Resources Department will fully implement all provisions of the policies in a timely and reasonable manner.

II. Organizational Vision, Mission and Values:

- A.** Lynchburg has operated under the Council-Manager form of government since 1920. The City Council, comprised of seven members, is elected for staggered four-year terms of office through a combination of four wards and three at-large seats. The Mayor and Vice-Mayor are selected by the Council members to serve a two-year term. City Council establishes the community's vision, sets policy, adopts ordinances, approves the annual budget and hires the City Manager, City Attorney and Clerk of Council. The Judiciary and Constitutional Offices, including the Commissioner of the Revenue, Commonwealth's Attorney, Clerk of the Circuit Court, Sheriff and Treasurer, function cooperatively with, but independent of the City Council.
- B.** City Council adopted Lynchburg's strategic vision as, "A Great Place to Live, Work and Play," that is based on a foundation of good governance and fiscal responsibility and includes the following twelve strategic pillars (focus areas) that support the vision: Arts and Culture, Citizen Engagement and Social Capital, Economic Development, Healthy and Active Living, Infrastructure, Land Use, Lifelong Learning, Natural Resources, Neighborhoods, Safe Community, Social Equity, and Transportation.
- C.** The Mission of the City of Lynchburg employees is to deliver services to the citizens of Lynchburg in the most efficient, effective and equitable manner and to build a stronger community.
- D.** City employees work together for the community as described by the following values statement that summarizes their intent:

"We, the employees of the City of Lynchburg, are dedicated, service-oriented individuals working together to serve our community. We act responsibly and with integrity. We value open and honest communication. We respect all individuals. We recognize that our actions and behaviors reflect upon ourselves, our co-workers and the City."

In conjunction with the values statement, the following core values guide the workforce's actions and decision making:

Open Communication: listens to others, offers suggestions and receives feedback in an open, honest and constructive way.

Customer-Focused: considers customer needs and delivers professional, polite and respectful service to all internal and external customers.

Personal Responsibility: monitors self and takes responsibility for actions and decisions and does not blame others.

Integrity: operates with honesty, respect and the highest ethical and moral principles.

III. Ethics:

The City expects employees to hold themselves and their co-workers to the highest ethical standards. Employees are expected to act and make decisions based on public service principles and the core values to achieve positive results. Public service principles include, and are not limited to:

- Build trust through honesty and transparency
- Seek no personal gain
- Treat everyone fairly
- Build the community through good stewardship

Keeping in mind that how results are achieved is as important as the results themselves, employees are expected to consider an ethical perspective and to seek advice and guidance whenever there is any doubt about whether actions or decisions are appropriate. Such advice and guidance is available from many sources including supervisors, Department Directors, the Human Resources Director, the Deputy City Manager, the City Attorney and the City Manager.

IV. The Employment Relationship:

The City believes that all employees, regardless of role, position, status or salary, make a critical contribution to achieving the City's mission. The City is committed to providing a safe, non-discriminatory and alcohol and drug free workplace where employees can work in supportive environments and interact responsibly with colleagues and citizens. Managers and employees are partners in ensuring that the citizens of Lynchburg receive appropriate services.

V. Employment at Will:

Virginia is an "employment at will" state and employees of the City of Lynchburg do not have a contract of employment. Neither these policies nor any other document constitutes an express or implied employment contract or any right to continued employment. These policies do not imply or create a vesting or a contract entitling City employees to any specific benefits or policies from the City. The contents of this manual and the City of Lynchburg's policies and procedures may be changed at any time so long as they are in compliance with all applicable Federal, State and local employment laws and regulations.

VI. City Manager Role and Responsibilities

The City Manager acts as the Chief Executive Officer and is responsible for the administration of the business of the City. In accordance with the City Code, the City Manager has the following authority:

- A. To establish the City's organizational structure by creating such City departments, divisions and administrative units as the Manager determines are needed for the

- efficient operation of the city. Such departments, divisions and administrative units shall have the duties and functions assigned to them by the Manager.
- B.** The City Manager or designee shall have the authority to appoint, to supervise and to discipline or remove all heads or directors of departments and all subordinate officials and employees of the City as the Council determines are necessary for the proper administration of the affairs of the City, except for Council appointed officials.
 - C.** During the absence or incapacity of the City Manager, the Deputy City Manager or other designee of the City Manager, shall have the authority to carry out the duties and exercise the powers of the City Manager.

VII. Department Director Responsibilities:

Department Directors and other designated management officials perform the following personnel management functions:

- A.** Develop organizational structures and staffing levels based on service delivery needs and resource availability.
- B.** Establish and communicate work expectations, develop operating procedures, manage performance and maintain an effective working environment.
- C.** Issue departmental employment procedures necessary for the efficient and effective functioning of the department; however, such procedures shall not conflict with any portion of these employment policies and must be coordinated in advance with the Human Resources Department.
- D.** Schedule activities within their departments including hours of work, rest and lunch periods, time to prepare for work and clean-up time.
- E.** Select applicants for employment and assign duties and responsibilities to employees within their management area.
- F.** Make promotion, demotion, reassignment, discipline, termination and other personnel-related decisions for their departments, in accordance with applicable Federal, State and City employment laws, policies and procedures.
- G.** Make salary decisions as outlined in the Employment Policies.
- H.** Identify training and development needs and provide for on-the-job training.
- I.** Ensure that financial and procurement policies are followed appropriately, including making the best use of fiscal resources, consultants and approved contracts.
- J.** The personnel management functions listed above may be delegated wholly or in part by the Department Director.

2 | Employment

I. Equal Opportunity Employment Policy

The City of Lynchburg is an Equal Opportunity Employer (EOE) and is fully committed to the principles and practices of equal employment. The City maintains and promotes equal opportunity for all employees and applicants for employment in accordance with relevant State and Federal laws. The City will not discriminate on the basis of race, color, religion, sex, national origin, age, physical or mental disability unrelated to the ability to perform the essential functions of the position. The City of Lynchburg will make all decisions regarding recruitment, hiring, promotions, reassignments, training and other terms and conditions of employment without unlawful discrimination.

- A. The City of Lynchburg will not tolerate any form of discrimination, including sexual or racial harassment, of its employees. Allegations of discrimination will be thoroughly investigated and disciplinary or corrective action taken as warranted. Reprisals against employees who file complaints of discrimination are prohibited; however, such protection does not condone unfounded or vindictive accusations of others. While a guarantee of confidentiality cannot be provided, the City protects the legitimate interests of all parties concerned in a dispute involving allegations of discrimination. *(Please see Chapter Seven, "Workplace Expectations and Procedures" for more information)*
- B. Reporting Guidelines: Individuals, who feel they have been subjected to discrimination including sexual harassment, are strongly encouraged to respond by using any or all of the following procedures:
 - 1. Contact the Human Resources Department, the City Attorney's office, or a counselor at the Employee Assistance Program to report or discuss situations of potential discrimination or harassment. Every precaution will be taken to ensure confidentiality at this informal, information gathering stage.
 - 2. City employees are strongly encouraged to report any incident of discrimination or harassment to a supervisor, appropriate Department Director, the City Manager or the Human Resources Department. Supervisors, Department Directors or other officials will immediately investigate any report of or act of discrimination of which they become aware.

3. City employees may use administrative processes or the formal Grievance Procedure to report and resolve complaints of discrimination.
4. Additional information regarding discrimination, including sexual harassment definitions and reporting responsibilities can be found in Chapter Seven – “Workplace Expectations and Procedures.”

II. City Of Lynchburg Diversity and Inclusion Plan

The City of Lynchburg’s goal is to hire and retain a workforce that is representative of the community and reflective of the relevant available labor pool. To achieve this goal, the City is committed to the following actions designed to attract diverse, qualified applicants:

- A. The City shall use non-discriminatory, equitable processes to fill all positions. All persons wishing to apply for a vacant position advertised to the public have the opportunity to do so.
- B. Advertising for vacant positions may include a variety of formats and targeted resources such as print, on-line, social media and firms specializing in minority recruitment to attract a diverse pool of qualified applicants for all vacancies.
- C. All recruiting announcements will contain the following statement: “The City of Lynchburg is an Equal Opportunity Employer.”
- D. Recruitment and selection training for hiring officials will be held periodically and will include interview techniques, cultural awareness, inclusion practices, interpersonal skill and style, and objective hiring practices.
- E. The Human Resources Department will conduct and maintain periodic studies that summarize workforce demographics compared to the relevant available labor pool and community demographics. Such studies will assist City management identify over and under-utilized demographic groups within the workforce.
- F. Internal Communication:
 1. All City employees will have access to a copy of the Equal Opportunity Employment Policy.
 2. Notices will be posted in City departments identifying the City of Lynchburg as an Equal Opportunity Employer.
 3. Job openings and internal promotional opportunities will be posted on the City’s website and designated bulletin boards throughout City facilities.

G. External Communication:

1. The City's job vacancies will be posted on the City's website and related job sites and may be sent to recruitment firms, groups and interested organizations, including minority based groups, informing them of available City positions and the City's EOE Policy.
2. The Human Resources Department may communicate with representative educational institutions, including vocational schools, for purposes of recruitment.
3. Upon request, copies of the City's EOE Policy and Diversity and Inclusion Plan will be provided.

H. Assignment and Responsibilities for the Diversity and Inclusion Plan:

1. General Responsibility: All employees are expected to contribute to maintaining a respectful and inclusive workplace. The actions of every employee are important to achieve workforce goals.
2. Management: Managerial and supervisory personnel are responsible for supporting and maintaining a respectful, inclusive and non-discriminatory environment. Management decisions including those regarding hiring, promotion, working conditions, job assignments, training programs and opportunities for serving on employee committees and project teams shall be based on job-related factors. Supervisory personnel are the primary source of information and appropriate support for employees under their direct supervision concerning the EOE Policy and Diversity and Inclusion Plan.

III. Merit Principles and Selection

- A.** A merit system is one in which selections, appointments and promotions in public service are based on qualifications and competence rather than political favoritism, seniority or other non-job-related factors. Similarly situated individuals are treated comparably. The City supports merit system principles for all employment actions including selection, promotion and reassignment.
- B.** Initial selection to full and part-time positions as well as promotion to higher level full and part-time positions shall be based upon open competition. Employees are encouraged to apply for positions in which they are interested and qualified. City employees will be given serious consideration for vacancies based upon the relevant qualifications necessary for the position sought.
- C.** Hourly Employment: Applicants for hourly positions, as defined in Section V, A. 3, may be selected and/or appointed without regard to the competitive provisions of this policy including the recruitment procedures.

IV. Federal and State Employment Law

The City of Lynchburg complies with all Federal and State employment law and supports employment decisions that are job-related and free from unlawful discrimination. While compliance with all Federal and State employment laws and regulations is a priority, the following Federal Acts are the most frequently applied.

A. Health Insurance Portability and Accountability Act (HIPAA)

1. In accordance with HIPAA Title I, the City of Lynchburg provides health insurance coverage for eligible employees and their family members who lose or change jobs and ensures that coverage is provided to those eligible regardless of specific disease or pre-existing condition.
2. The City of Lynchburg complies with HIPAA Title II by following national standards for processing healthcare transactions relative to Protected Health Information (PHI). In addition, the City's up-to-date Notice of Privacy Practices is provided to all new employees and is maintained and available on the Human Resources intranet page

B. Americans with Disability Act (ADA)

1. In accordance with the Americans with Disabilities Act (ADA) qualified employees with disabilities are protected from discrimination in employment. In general, individuals are "qualified" if they can perform the essential functions of a job, either with or without a reasonable accommodation. The City will make reasonable accommodations to allow a qualified individual with a disability to perform the essential functions of his or her job, so long as the employee is able to establish that he or she has a disability within the meaning of the statute. While not every illness or ailment qualifies as a "disability" under the ADA, individuals are considered to have a disability under the ADA if:
 - they have an actual disability (i.e., they have a physical or mental impairment that substantially limits one or more major life activities);
 - they have a record of a disability (i.e., they had an actual disability in the past but are no longer disabled); or
 - they are regarded as having a disability.
2. The ADA provides an extensive list of tasks that constitute "major life activities," including physical tasks such as walking, standing, and lifting; mental tasks such as learning, reading, and thinking; and even the operation of major bodily functions, such as immune system function, cell growth, and reproductive

function. The regulations are clear that whether something is a major life activity is to be interpreted very expansively, and the fact that a particular activity is left out of the statute or regulations doesn't preclude it from being a major life activity.

3. Management will engage in an interactive process with employees who ask for an accommodation or obviously needs one to try to find a reasonable accommodation.

C. Genetic Information Nondiscrimination Act (GINA)

1. All medical information requested by the City will comply with the provisions of the Genetic Information Nondiscrimination Act (GINA).
2. In compliance with GINA, the City does not require nor does it want to have any genetic information when responding to any request for medical information. "Genetic information" that should not be disclosed pursuant to GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, genetic information of a fetus carried by an individual or an individual's family member, and genetic information of an embryo lawfully held by an individual or family member receiving assistive reproductive services.

D. Criminal Convictions

1. The City of Lynchburg does not discriminate against persons who have been convicted of criminal offenses. A prior conviction does not automatically exclude an applicant from employment with the City. The nature and recency of the offense and the conviction are weighed and considered in relation to the duties of the position sought.
2. When required by the nature and duties of a position, criminal background checks will normally be completed following a conditional offer of employment.

V. Position Categories

A. All City positions fall into one of three categories:

1. Full-Time: positions approved by City Council and confirmed individually in the annual budget based on an on-going full-time service delivery need. Employees work a continuing schedule as it applies to their department's regular work hours, normally 2080 hours annually. The positions are included in the City's pay plan and assigned to a pay grade and range. Full-time employees are eligible to receive City benefits.

2. **Part-Time:** positions approved individually in the annual budget based on an on-going service delivery need or structure of less than 40 hours per week. Employees normally have a regular, on-going work schedule and are paid for actual hours worked. The positions are included in the City's pay plan and assigned to a pay grade and range. Depending upon the hours worked, employees in part-time positions may receive partial benefits. (See Chapters Four and Five for details.)
 3. **Hourly:** positions which may be approved either individually or based on a pool of resources for short term and/or sporadic employment such as on-call/relief work, seasonal employment, grant funded and project-based employment. The positions are not normally included individually by position in the annual budget. Employees designated as hourly, may work as many hours as needed and are paid for the hours actually worked. The positions are not included in the City's pay plan and are paid an hourly rate as appropriate. Employees in hourly positions are not eligible for any benefits.
- B.** Positions are categorized based on the above definitions regardless of the revenue that provides funds for the position. Positions established through outside funding sources such as State funding and State or Federal grants may be restricted as to benefits and duration based on the conditions of the grant or outside funding regardless of other City policies.
- C.** An employee working for a Constitutional Officer is considered a Constitutional employee and may be covered by some or all of the City of Lynchburg Employment Policies by Memorandum of Understanding between the City and the Constitutional Officer.

VI. Recruitment

- A.** The Human Resources Department in collaboration with Department Directors shall develop and maintain effective recruitment processes that attract applicants who are representative of the community and possessing the education, knowledge, skills and abilities to meet the current and future needs of the City.
- B. Requisitions:**
Newly established or vacated positions shall be authorized for filling through a requisition process initiated by the department with the vacant position. A request to fill the position including appropriate justification regarding the operational need for the position, salary information and other pertinent data shall be completed and forwarded to the City Manager or Deputy City Manager for approval. Upon approval the requisition is forwarded to Human Resources to begin the recruitment process.

C. Filling of Vacancies:

Vacant positions may be filled by recruitment from inside and/or outside sources as determined appropriate in coordination with the selecting Department Director or designee. Vacancies may also be advertised with the local employment commission, newspapers and electronic media, other government agencies, journals, private recruiting firms, colleges, professional and civic organizations, churches and other sources as appropriate. The City supports cross training, job rotation and promotion from within and may confine competition for vacant positions to members of the City workforce or a specific department if determined to be in the best interest of the City.

D. Advertisements:

Vacancy listings and/or postings shall be developed and used to attract applicants for most City positions. Normally, vacancies shall be advertised for a minimum of five business days and applications will be accepted only when a position is posted. However, high turnover positions may remain continuously under recruitment in order to maintain pools of qualified candidates and to quickly fill such positions as vacancies occur. In addition, the Human Resources Department in collaboration with the hiring department may accept applications for employment at any time in anticipation of future needs. Such applications may be included in future competitive processes.

E. Application Process:

The Human Resources Department in collaboration with Department Directors shall provide the methods and means by which interested parties and current employees may apply for positions under recruitment. Typically, application for City employment requires completion of on-line employment application forms which provide an opportunity to accurately reflect education, training, and previous work experience as it relates to the position sought. Alternatives to the on-line application process may be used when it is in the best interest of a hiring department. The Human Resources Department, individual departments, or outside firms, agencies or consultants, as approved by the Director of Human Resources, may coordinate the application process.

F. Examinations:

The selection process may include examinations such as skill testing, written examinations, personal interviews, assessment centers, polygraph testing in the case of entry level public safety or public safety related positions and physical agility testing. Following a conditional offer of employment medically related examinations such as alcohol and drug testing, medical, physical and/or psychological assessment, as determined appropriate and lawful, may be required.

1. Every person taking a rated or scored examination is entitled to inspect his or her own rating or score and examination materials; however, such materials shall not be made available to the general public. Inspections shall normally be permitted during regular business hours in the Human Resources Department in the presence of appropriate staff.
2. Every person engaged in a rated or scored examination may request correction by providing documentation to the Director of Human Resources that the examination has been incorrectly rated or scored. Examination materials shall be maintained for a period of two years.

G. Background Checks:

In the interest of public welfare and safety, some positions such as those in public safety, positions that include working with children, those responsible for handling money and others, may require that applicants successfully complete background checks including, but not limited to, personal reference checks, criminal history, child abuse registry, education verification and credit checks to ensure that the applicant's past conduct is compatible with the nature and requirements of the position under consideration. An applicant for a position that requires driving a vehicle shall provide a copy of his or her official Department of Motor Vehicles (DMV) record or shall authorize the City to obtain a copy of the DMV record. The applicable department, in conjunction with the Human Resources Department, shall determine the positions and specific checks that will be utilized. In all cases, appropriate State and Federal laws shall be followed.

H. Driving Criteria:

The City of Lynchburg requires that all applicants for positions that include driving a City vehicle, as stated in the class specification, must authorize the City to obtain a copy of the Official Driving Record from the Department of Motor Vehicles (DMV) by completing the DMV Information Request form available in Human Resources or on the City's website. To be considered, an Official Driving Record must be issued within 30 days of the application. Records from states other than Virginia may also be required and must be submitted by the applicant within established timeframes. The Human Resources Department, in conjunction with the Risk Management Department, ensures that all state and local requirements relevant to requests for information and official driving records are followed including appropriate security of all forms, records and documentation.

1. All applicant Driving Records will be reviewed and approved by the City's Risk Manager, or designee, before an employment offer may be extended. In unusual situations, conditional approval may be granted when a Department Director and the Risk Manager agree to specific criteria for on-the-job review of driving practices.

2. A minimally acceptable driving record for applicants includes the following components:
 - a. -4 or fewer demerit points;
 - b. No Driving While Intoxicated/Driving Under the Influence (DWI/DUI) convictions within the last three years;
 - c. At least three years of continuously valid licensing;
 - d. An overall pattern of safe vehicle operation and driving habits.
3. The following conditions are unacceptable and normally prevent employment in a position that includes driving responsibilities:
 - a. -5 or more demerit points;
 - b. DWI/DUI conviction within the last three years;
 - c. A record of a suspended license suspended due to driving violations, accidents or non-administrative suspensions (such as operating a vehicle without insurance coverage, driving on revoked or suspended license) or any other DMV criminal violation/conviction, unless the applicant has completed two full years with no subsequent moving violations, at-fault accidents or penalties;
 - d. Any combination of violations, convictions or accidents that creates a pattern that in a reasonable person's view indicates to the Risk Manager that the applicant is a high risk driver due to an ongoing history of unsafe driving habits.
4. Applicants for positions that include driving a City vehicle must have a minimum of three years of acceptable licensed driving experience or be at least 18 years of age and have a driving record that is better than the minimally acceptable criteria. In the case that the position requires transporting non-employees in City vehicles, the applicant must be at least 21 years of age and have a minimum of three years of acceptable licensed driving experience.

I. Qualifications:

Qualifications are the education, experience, competencies, skills, abilities, knowledge and other attributes determined most likely to predict successful job performance in a position or group of positions with similar requirements and levels of responsibilities. Acceptable background information and driving record, when required, are included in the attributes necessary to meet minimum qualifications.

J. Screening of Applicants:

A screening process shall determine those candidates who meet the qualifications for the position(s) to be filled. Such screenings may include, but are not limited to, a review of submitted applications, resumes, education and experience credentials, references, preliminary interviews and other relevant information. City of Lynchburg employment records will be reviewed as a part of the screening process, when an applicant is a current or former employee of the City. Screening may be completed by Human Resources staff, hiring department staff or outside public or private agencies, as deemed appropriate by the Director of Human Resources.

K. Essential Functions:

Each City class specification includes the essential functions of the job. Applicants will be considered, regardless of disability under the American with Disabilities Act, based on their stated ability to perform the essential functions of the position with or without an accommodation.

L. Referral of Qualified Applicants:

From those candidates that meet the minimum qualifications, an appropriate number of applicants determined to be the best suited for the position(s) may be referred to the hiring official for final selection. Current employees and outside applicants may be referred simultaneously and hiring officials shall place emphasis on internal candidates when filling vacant positions.

M. Selection:

Departmental hiring officials in conjunction with Department Directors make selection decisions. Negotiations with the preferred candidate may include start date, starting pay rate and other benefits. On occasion, as a recruitment tool, a prospective employee may be granted higher than minimum pay rates and service credit for annual leave accrual purposes at management's discretion.

N. Pre-employment Medical Examinations:

Some positions with the City, such as public safety employees, Commercial Driver's License holders and residential care workers, require pre-employment physical examinations and drug and alcohol screening as a condition of employment. Such medical examinations and testing shall be completed following a conditional offer of employment and prior to starting to work. Problems or conditions which need medical treatment and any additional medical exams needed as a result of the basic physical exam are the responsibility of the employee. Questions regarding responsibility for such medical costs shall be directed to the City's Benefits Manager before additional treatment or testing is performed.

O. The City of Lynchburg requires drug/alcohol screening as part of the required medical examination for all applicants that are offered employment with the City, including employees seeking transfer or promotion into the following positions:

1. Sworn Police positions
2. Sworn Firefighter positions
3. Public Works Associates
4. Refuse Associates
5. Youth care workers
6. Positions requiring a Commercial Driver's License
7. Candidates for other safety sensitive positions that are of a nature such that the potential risk justifies screening.

P. Applicants being offered a covered position will provide a specimen for screening by urinalysis for drugs and other appropriate tests for alcohol. Drug/Alcohol screening will be performed under standard medical procedures as determined by the City in consultation with its medical advisors. A positive test for drugs or alcohol shall be grounds for disqualification from employment consideration.

VII. Employment of Special Categories of Individuals

A. Employment of Relatives

1. To maintain the highest level of trust and support from the community, to avoid situations that might result in unfair or preferential treatment of employees and/or the public, and to avoid any appearance of conflict of interest, the City limits the employment and work assignment of employees, regardless of category, that are related to each other or to current City Council members.
2. Members of the same family are eligible for employment with the City; however, such employment may not result in a Public Official or an employee directly or indirectly supervising a member of his or her immediate family.
3. Definitions:
 - a. Current City Council members are those individuals serving a current term of office as a part of the City's elected governing body.
 - b. Public Officials are individuals elected or appointed to a position.
 - c. Employees are persons who perform work for the City in return for financial compensation.
 - d. For the purpose of this policy, immediate family are defined as a: spouse, parent, spouse's parent, child, brother, sister, grandparent, grandchild, brother

or sister-in-law, legal guardian and equivalent step-relations, as well as non-related individuals residing in the same household.

- e. Indirect supervision includes, but is not limited to, being in a position to affect the terms and conditions of another's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation.

4. Guidelines:

- a. No public official or employee of the City of Lynchburg may directly or indirectly supervise or otherwise have access, control or influence over work activities or salary decisions for immediate family members.
- b. Employees may not be hired, promoted, demoted or transferred to a work assignment that creates a situation in conflict with this policy.
- c. With respect to indirect supervision, employees in positions senior to their immediate family members are responsible for recognizing situations in which employment interactions may be in violation of this policy and must recuse themselves from any involvement or decision-making pertaining to their family member.
- d. An immediate family member of a current City Council member or the City Manager shall not be employed by the City in any capacity. In situations where a member of a current employee's immediate family is elected to City Council or appointed City Manager, the employee must resign his/her position, or shall be released from employment, no later than the date on which the Council member or City Manager takes office.
- e. When the relationship between employees changes, such as through marriage, adoption or living arrangements, creating a situation that violates this policy, employees must notify their supervisor immediately and must be in compliance with the policy within three months through appropriate action such as reassignment or separation from employment.
- f. In certain situations such as public safety emergency response or weather related emergencies, employees that do not normally fall within the supervisory chain of command, including family members, may work together and/or supervise one another for the duration of the emergency.

B. Employment of Non-US Citizens:

Non-US citizens possessing the ability to work in the United States legally shall be considered for selection, promotion and all other personnel actions on the same basis and under the same processes as US Citizens, except that applicants for sworn Police Officer and Firefighter/EMS positions must be US citizens.

C. Employment of Virginia Retirement System (VRS) Annuitants:

An individual receiving a VRS annuity may not be employed in any full-time position unless he or she agrees to suspend the VRS benefit payments for the duration of the employment.

D. Age Requirements:

Persons under the age of 16 shall not be employed in full or part-time positions.

The employment of persons under the age of 18 shall conform to Virginia labor laws governing the employment of minors. Sworn Public Safety employees holding full-time positions must be at least 21 years of age but no more than 70 years of age.

VIII. New Employee Orientation

Except in unusual circumstances, new employees shall receive policy and safety information and complete appropriate payroll and benefit paperwork on the first day of employment.

Supervisors shall ensure that newly hired employees attend a New Hire Orientation coordinated by the Human Resources Department on the first day of work.

IX. Initial Employment Period:

- A.** The City of Lynchburg uses an initial employment period as an integral part of the employment process for employees holding full-time and part-time positions to determine the suitability of an employee for his/her position. The initial employment period shall be used to assess new employees' work performance, interpersonal behavior and conduct and to allow sufficient time for an employee to adjust to his/her position and work environment.
- B.** The initial employment period shall be 12 months from the date of hire or date that an employee attains a full- or part-time position except in the case of sworn public safety employees. The initial employment period for sworn public safety employees, such as police officers and firefighter/EMTs, shall encompass basic recruit and field training, where applicable, plus 12 months in a regular duty assignment. Employees serve only one initial employment period regardless of reassignment, promotion or demotion to other positions.
- C.** Extension of Initial Employment Period: 12 months is normally sufficient time to evaluate the suitability of the employment relationship. However, in rare instances, an extension of the initial employment period may be warranted. Department Directors may, with specific, job-related justification, extend the initial employment period for an additional period not to exceed six months. Extensions of the initial employment period shall be in writing and shall be included in the official personnel file located in the Human Resources Department. The extension must be discussed with the Human Resources Department and communicated to the employee in writing prior

to the end of the original initial employment period. The employee shall be notified in writing of the specific reasons for such extension as well as the specific performance results necessary to ensure on-going employment. An example of an appropriate justification for an extension of the initial employment period is when a new employee has experienced an injury or illness and is unable to work for an extended period of time. In such a situation, an extension of the initial employment period equal to the length of the absence from work may be needed to adequately observe and evaluate the employee's performance.

- D. Disciplinary Actions During Initial Employment Period:** Employees who have not completed their initial employment period may be subject to disciplinary action as outlined in Chapter Seven, "Workplace Expectations and Procedures" as determined by the supervisor and/or Department Director. Employees disciplined and/or separated from employment during the initial employment period have no appeal or grievance rights.

X. Safety

The Risk Management Department coordinates and communicates a Safety Program for all City employees beginning with New Hire Orientation and continuing throughout employment. The goal of the Safety Program is to protect the safety and health of City employees, assist in preventing accidents and injuries, increase efficiency of operations, and save money for the taxpayers of the City of Lynchburg. "The City of Lynchburg Safety Manual", available from the Risk Management Department, includes the purpose and responsibilities of the Safety Program as well as general safety rules, loss control, accident prevention and reporting procedures. Each City employee is fully responsible for implementing the provisions of the Safety Program as it pertains to operations under his or her control.

XI. Periodic Medical Examinations

Some positions with the City, such as public safety employees and residential care workers, require periodic physical examinations or medical tests as a condition of employment. In such positions, the City is responsible for and fully pays the cost of the exam and any test or procedure related to the basic physical exam. Follow-up treatment or additional examinations are the financial responsibility of the employee.

XII. Emergency Service

The City uses a nationally recognized Incident Command System (ICS) to consistently manage emergency operations. Each City employee has a responsibility to perform whatever duties may be assigned in emergency situations to deliver services to the citizens of Lynchburg. As part of this responsibility, service outside of the normal working hours or in some capacity other than the normally assigned positions may be required. When unusual situations occur and/or the City Manager declares a State of Emergency, all City employees

may be required to accept special assignments and perform duties as needed to ensure appropriate service delivery. In order to efficiently contact employees should they be needed for emergency services and to notify them of emergencies, each employee must provide the City with up-to-date personal contact information to include home phone, personal cell phone and personal email addresses.

XIII. Scheduling of Work

A. Administrative Workweek:

Seven consecutive calendar days constitute an administrative workweek. Generally, the City of Lynchburg's administrative workweek begins Wednesday morning at 12:01 a.m. and ends at midnight the following Tuesday.

B. Typical Work Schedule:

City employees' work schedule follows the official business hours of Monday through Friday from 8:30 a.m. to 5:00 p.m., with a one-half hour meal period, unless covered by an alternate work schedule. The standard workday for non-exempt employees is eight hours. A regular work day is a day in which work is performed according to the assigned work schedule or approved leave must be taken.

C. Alternate Work Schedules:

1. Individual departments and work groups may set alternate work schedules, as needed, to effectively deliver services.
2. Uniformed Fire/EMS personnel assigned to 24-hour shifts may have a duty schedule established consisting of an average of 56 hours per workweek for a total of 168 hours every 21-day cycle or a total of 2912 hours per year. The standard weekly duty schedule for administrative Fire/EMS personnel shall be a 40-hour workweek of five 8-hour days.
3. Uniformed Police personnel may have a duty schedule established consisting of an average of 40 hours per week over a 28-day cycle. The standard weekly duty schedule for administrative Police personnel shall be a 40-hour workweek of five 8-hour days.
4. In some work situations, effective service delivery may be achieved through alternative work options such as job sharing, telecommuting, compressed workweeks and flexible work scheduling. Alternative work options are a business tool and not an employee entitlement. The schedule and work of many employees and work groups is not conducive to alternative or flexible options and therefore may not be used in all situations. Decisions regarding alternate work schedules are at the discretion of the Department Director or designee.

D. Meal periods and Breaks:

1. Meal periods, during which the employee is entirely free of the duties of his or her position for at least 30 minutes, are not considered work or paid time. In most situations, employees are expected to take a meal break during the course of the assigned work time.
2. Formal or informal paid breaks of short duration may be provided depending upon the department and the nature of the work, at the departments' discretion. Nursing mothers are entitled to reasonable breaks each time the employee has the need to express milk for her child during the first year of the child's life.

E. Travel Time:

1. Travel from home to the workplace and back home is not considered work or paid time. However, once an employee reports to work, required travel from one location to another during the duty period is considered work and shall be counted as paid time.
2. The time needed to travel to destinations outside of the normal work location or to and from out of town destinations required to conduct City business, is normally considered paid time and shall be included in hours worked for overtime purposes. Examples of City business requiring such travel include training events, conferences or meetings in other localities or similar situations.

XIV. Reduction in Force

- A.** Employees may be placed in a "Reduction in Force" (RIF) status when filled positions are no longer needed due to departmental restructuring, privatization of services, consolidation, streamlining efforts or when the City lacks the necessary funding to maintain the position.
- B.** When employees are formally designated to be in a RIF status, the Human Resources Department may suspend normal recruitment processes and attempt to reassign employees affected by RIF, whose performance is acceptable or better, in a manner that results in the least adverse impact to the employee. Some or all of the following actions may be implemented:
 1. The employee will be encouraged to apply and compete for vacancies available in higher pay grades.
 2. The employee will be considered or reassigned to a vacant position in the same pay grade for which he or she meets the minimum qualifications.

3. The employee will be considered or reassigned to a vacant position in a lower pay grade for which he or she meets the minimum qualifications
 4. As a last resort, the employee may be separated from employment. Normally, employees identified for separation due to Reduction-in-Force will be given 30 calendar days advance written notice of such separation
- C.** Departments must give serious consideration to City employees in a RIF status for vacant positions. This consideration includes giving employees the opportunity to do the job based on current skills and the ability to learn, train and gain experience to fully perform the duties and responsibilities of the job. Hiring officials shall fully justify a decision not to select a qualified employee in a RIF status to the City Manager.
- D.** An employee reassigned due to RIF shall have his or her salary set as defined by the City's Compensation Policies and Procedures.
- E.** Normal recruitment procedures may be used in emergency situations and when the vacant position is highly specialized or does not represent a valid opportunity for current employees.
- F.** In a situation where a City service becomes privatized, the "Request For Proposals" will include a provision that the successful bidder provide affected City employees an opportunity to apply for employment.

XV. Separation from Employment

- A.** Resignation is a voluntary separation initiated by an employee. Employees who leave their position due to resignation, shall normally provide at least two weeks written notice to their Department Director. A two week notice is encouraged and not required for resignations during the initial employment period. Supervisors shall document verbal resignations in writing.
1. Once a resignation is submitted by the employee, either verbally or in writing, it may not be withdrawn unless the Department Director, or designee, agrees to such a withdrawal.
 2. Once disciplinary separation has been initiated, an employee may be allowed to resign in lieu of the dismissal and the record shall include that the employee "resigned in lieu of dismissal."
- B.** Retirement is a separation that may be initiated by an eligible employee, as in the case of voluntary retirement, or by management, as in the case of mandatory retirement due to maximum age requirements in sworn public safety positions. In either situation, VRS rules apply.

- C.** Separation Without Prejudice shall be used to separate an employee who is unable to report to work due to circumstances beyond his or her control such as Reduction in Force; an incapacitating medical condition that is not or cannot be resolved; the loss of a required license; circumstances causing conflict with City Policies, such as the employment of relatives policy; incarceration; or similar situation. Employees shall normally be given seven calendar days advance written notice of the separation without prejudice.
- D.** Separations due to disciplinary action are described in Chapter Seven, “Workplace Expectations and Procedures.”
- E.** An employee may be separated at any time during the Initial Employment Period if he or she fails to perform at an acceptable level, fails to demonstrate acceptable dependability, conduct or suitability for the position and/or needs of the City.
- F.** If an employee wishes to use accrued PTO, annual, personal, and/or compensatory leave time prior to separation, department procedures for requesting and granting leave time must be followed. An employee who has unused PTO, annual leave and/or compensatory time shall normally be paid for such unused paid time off in a lump sum payment at the time of separation unless other use of leave has been approved in advance.
- G.** Workload, staffing shortages and other circumstances may prevent paid leave being granted to the employee, in which case the employee shall be paid for accumulated annual leave, subject to maximum payout limits, and all compensatory time.
- H.** Prior to or at the time of separation, the employee must return all City owned materials and equipment to the supervisor. The employee must also make arrangements and provide a forwarding address to receive the final paycheck and statement of annual earnings (Form W-2). The Human Resources Department may contact the separating employee to discuss benefit options and schedule an exit interview.
- I.** An exit interview, a meeting between a separating employee and a Human Resources’ staff member, is encouraged in all voluntary separations including retirements. During the exit interview, the employee may discuss his or her reason(s) for leaving and learn about the status of benefits, reinstatement privileges and retirement, if applicable. The exit interview is not intended as a counseling or grievance session. The information gained from the employee on subjects such as pay, benefits, training and working conditions provides important feedback that may contribute to improved supervisory practices and job satisfaction for City personnel.

XVI. Reinstatement

An employee, who voluntarily leaves City employment in good standing, may be reinstated, at the Department Director's discretion, to a vacancy in the former position title, at the salary and benefits in effect at the time of separation, if re-employed within six months from the date of separation. If reinstated, the employee shall be considered to have been in a leave without pay status during the period of separation for the purposes of leave accrual, rate of pay and, if eligible, retirement benefits.

XVII. Personnel Files

- A.** Personnel files contain written material about an employee's employment. Written information related to employment is considered a personnel file regardless of where the record might be physically located. Official personnel files for each City employee are maintained in the Human Resources Department. Individual departments may also maintain files relevant to departmental employees. Employees, supervisors, and department managers may identify materials to be included in the personnel files.
- B.** Documents that are a part of the personnel file include, but are not limited to: job specification, grade or pay range assignment, employment application/resumes, employee pay information, performance evaluations, disciplinary actions, counseling documentation, supervisor's job-related notes, employment agreements, commendations, certifications and education materials.
- C.** All medical information, such as Family Medical Leave certifications, ADA materials including requests for accommodations, results of physicals or drug/alcohol testing, is maintained in files physically separated from personnel files.
- D.** In accordance with the Government Data Collections and Dissemination Practices Act, every employee has the right to review his or her personnel file(s). However, an employee is not entitled to review or obtain copies of recommendations or letters of reference by third parties, or copies of any test or examination used for purposes of evaluation of an employee's or an applicant's qualifications for employment, retention, or promotion. In addition, employees may challenge, correct and/or include a written statement to provide information related to any document in the personnel file(s).
 - 1. Requests for review may be made to Human Resources or the appropriate departmental office through a variety of means such as email, memo, telephone or in person.
 - 2. The file will be made available for physical review as soon as reasonably possible, typically no later than close of business the workday following the request.

3. Following an employee's review of the file, copies of the allowed materials within the file will be provided upon the employee's request.
4. The file may not be removed from the relevant office.
5. A staff member from Human Resources, the Department Director or the supervisor must be present during the review.

XVIII. Release of Information

- A.** The Human Resources Department treats information provided to it by employees as confidential. Requests for employment verification and other information directed to individual departments shall be forwarded to the Human Resources Department for appropriate response, in accordance with relevant laws and regulations.
- B.** Human Resources may release specifically requested information to employees or former employees, other City departments and local, state and federal agencies to allow those departments and agencies to perform their necessary duties as follows.

1. Information Requested by Employees:

Current and former employees of the City of Lynchburg have the right to review any information in their personnel files, including departmental files.

An employee, or designee, may review the contents of his or her official personnel file by visiting the Human Resources Department during normal office hours.

Upon the employee or former employee's request, Human Resources staff will obtain departmental files for review. Proof of identity must be provided before the personnel file may be reviewed.

2. Information Requested by City Departments:

Routine information such as dates of employment, job title and salary history shall be given to representatives of City departments for employees of the requesting department. Information requested by another City department shall normally be provided so long as the requesting department has a valid need for the information, such as when an employee from another department is being interviewed for a position.

3. Information Requested by Individuals Outside the City:

- a.** Requests for information concerning City employees are often received from Federal agencies, credit bureaus, individual employers and others. The City provides a neutral reference by providing the information stated in items c. i – v. next page.

- b. Requests for employment information (references) may be received by the employing department or the Human Resources Department. Departments are expected to limit the information provided to items c. i-v below unless the release of additional information is authorized by the City Attorney.
- c. A neutral reference includes the following information:
 - i. Verification of name;
 - ii. Verification of whether the person is currently employed;
 - iii. Verification that the person is employed by the City and the job title, if currently employed;
 - iv. Verification of dates of employment and the job title, not including the reason for separation, if no longer employed;
 - v. Salaries of employees who earn in excess of \$10,000 annually are a matter of public record and shall be released upon request.
- d. Employees and former employees may authorize release of personnel files to an outside party by providing a signed release.



3 Compensation

I. Compensation Philosophy (Adopted by City Council, November 25, 2003 and reaffirmed June 14, 2016)

The purpose of the City of Lynchburg's compensation system is to attract, reward and retain employees who are representative of the community and fully capable of delivering exceptional service.

A. The City will develop and maintain a Pay Plan guided by the following principles:

1. Public service is an admirable occupation and the employees who have dedicated themselves to the service of the City's residents are to be valued.
2. Each City employee is a unique individual, with his or her particular needs and aspirations. No compensation system can accommodate every individual circumstance. Rather, the intent is to provide reasonable choices and flexibility.
3. City employees shall normally be compensated in ways that reflect market competitiveness and recognize performance in alignment with organizational goals.
4. The Pay Plan must be fiscally responsible and affordable; it will always be constrained by resource availability.
5. No pay plan is perfect; every variable cannot be addressed equally and to the satisfaction of all. Choices and trade-offs based on the organization's values, goals and priorities must be made.
6. The Pay Plan shall be objective with clear, understandable guidelines.
7. Differences in compensation for reasons other than job classification, performance, qualifications, previous organizational pay decisions, longevity or legal requirements are inappropriate. Specifically, there shall be no discrimination related to non-job-related factors such as race, color, national origin, religion, gender, age, disability or political affiliation.

B. The City's compensation system will:

1. Balance salary and benefits to deliver competitive total compensation within available resources.
2. Ensure that like jobs are valued with comparable methodology and are treated similarly in terms of base pay.
3. Promote individual contributions that advance organizational and departmental missions and outcomes.
4. Attract applicants with the skills needed to perform the job and the potential to quickly demonstrate high performance.
5. Allow hiring rates above the range minimum for new employees with an above average quantity and quality of experience and demonstrated competence.
6. Ensure that the pay of current employees with comparable experience and competence is no lower than the hiring rate of the new employee. In other words, ensure that current employees are not penalized for having gained their experience with the City of Lynchburg.
7. Support alternate pay systems based on unique departmental needs that are, to the greatest extent possible, consistent with the overall compensation philosophy.

II. Pay Plan

- A.** The City Pay Plan is an administrative structure that includes a series of market-based pay ranges and broad bands. Each classified position in the City is assigned to the appropriate grade or band in the City Pay Plan that is in keeping with the nature of work, the degree of responsibility involved in performing the duties of the position and the relevant labor market. Employee base pay shall fit within a pay range or band and shall be at a rate no less than the minimum and no greater than the maximum of the range. The City regularly reviews the Pay Plan and makes changes to the structure, as necessary, in accordance with the Compensation Philosophy. The City Manager may establish compensation for positions within an Executive and/or Senior Manager Pay Band in lieu of assignment to this structure.
- B.** The City Pay Plan is maintained by analyzing information collected through periodic salary and benefits surveys for comparable positions in market organizations and internal information regarding recruitment and retention.
- C.** The "market" is defined as other employers in competition for personnel similar to those employed by the City, depending upon the position. Ideally, the market

analysis will compare average base pay, average pay range minimums and benefits in other organizations of similar size, cost of living, service delivery requirements and organizational structure. Generally, this will include Virginia's First Cities, local governments in the region, and private sector employers, as available.

- D.** On a regular basis, salary information is collected for those positions common to most organizations (benchmark positions) and compared to the City's average pay, pay range minimums and benefits. Each City position is linked to a benchmark position. Therefore, the survey results apply to all City positions. This information, along with information regarding recruitment difficulty and turnover, provides the basis for decisions regarding pay structure, grade assignment and employee pay adjustments.
- E.** The Pay Plan and a listing of all City positions with assigned pay range or band are posted on the Human Resources' intranet site.

F. Pay Plan Adjustment

- 1. Significant variance from the market minimums and/or average actual pay, above average turnover, and/or difficulty recruiting are the primary factors indicating that pay ranges for specific positions or job categories may need to be evaluated.
- 2. When considering pay plan adjustments, management judgment is important and multiple factors will be analyzed. No single measure will be considered in isolation.

G. Advancement Through the Pay Range

- 1. It is an organizational goal to maintain a compensation program that includes increases based on performance and results. Employees are encouraged to make a performance difference, either individually or through teams, in which results are more important than entitlements such as seniority, hierarchy, or the expectation of additional pay for changing responsibilities.
- 2. Pay increases are normally linked to performance outcomes that contribute to achieving the organization's mission and goals and may also reflect length of service. Higher levels of performance are normally rewarded by quicker advancement through the relevant pay range. Minimally acceptable performance does not normally result in a pay increase although efforts may be made to keep pay comparable to the relevant labor market. Performance at less than an acceptable level results in no increase in pay and requires management intervention to assist the employee in achieving satisfactory performance. Length of service may also be recognized through indirect compensation such as increasing leave accrual rates.

H. Positive Work Environment

Compensation is only one determinant of employee satisfaction and may be secondary to the work itself and the work environment. Accordingly, the City will strive to maintain a positive work environment characterized by:

1. Focus on employee safety;
2. Consistent and meaningful feedback;
3. Consistent, effective and efficient policies and procedures;
4. Effective and positive management practices;
5. Adequate work space and appropriate equipment;
6. Workforce training and development;
7. Opportunities for advancement.

III. Position Classification/Reclassification:

- A. Classification is the assignment of a full- or part-time position on the City's pay plan to a pay grade or pay band based on an assessment of the duties, the scope and nature of work, the degree of responsibility and the relevant labor market.
- B. Reclassification is the reassignment of a position from one pay grade to another resulting from a formal job review requested by a Department Director and completed by the Human Resources Department. Reclassification may be the result of a significant change in the duties and responsibilities of a position, structural changes, a change in the needs of the organization or other similar situations as determined by the Director of Human Resources.
- C. Job Review: To maintain fair, competitive pay for all employees, the City utilizes a job review process to analyze positions to determine appropriate pay grade assignment. Changes to the pay grade of existing positions may be implemented due to changes in the relevant labor market, duties and responsibilities, structure, the needs of the organization, when new positions are developed or other similar situations.
 1. The initial assignment of or recommendations for changes to the pay grade of a position is made by the Human Resources Department following a review of the position.
 2. Requests to establish new positions and/or review current positions to determine appropriate grade placement may be submitted in writing to the Human Resources Department by the City Manager, Deputy City Manager, a Department Director, or designee.

3. Reclassification requests must include a list of the essential functions of the new position or change(s) to the current position, written justification and a completed Job Review Questionnaire. A desk review will be conducted by HR staff and a written recommendation on appropriate grade placement will be conveyed to the Department Director. As needed, a site visit and field review may be completed to ensure full understanding of the duties and responsibilities of the position.
4. Departments must use existing departmental resources or request additional funding through the annual budget process to fund reclassifications. In addition to Human Resources approval to change the pay grade classification of positions, the Budget Office must also verify that departmental funding is available.
5. In the event that a Department Director disagrees with the recommended pay grade placement resulting from a review, he or she may appeal Human Resources' recommendation to the City Manager. The City Manager's decision is final and not subject to further appeal.

IV. Pay Actions

Employment actions such as selection, promotions and reassignments typically have a pay action associated with the action. The following sections include the typical actions and corresponding pay action. In most cases, review by Human Resources, Budget and the City Manager are required prior to applicant or employee notification and implementation of a pay action.

A. New Hire Pay

Pay for newly hired employees is determined based on a variety of factors such as the grade assignment of the position, the employee's level of knowledge, skills and abilities and current market conditions. In no case will a new employee's pay be set below the minimum or above the maximum of the assigned pay grade.

1. Initial Pay Rate: Newly hired employees shall normally have their pay set at the minimum of the pay range established for the position.

There may be situations when a department chooses to set new hire pay above the minimum of the pay grade, based on the value of the position to the City, the above average knowledge, skills and experience of the candidate, and market conditions for the position. Such decisions must be supported by written justification, from the Department Director to the Human Resources Department including verification of available funding, prior to making the offer to the applicant. The justification shall include the value of the position to the department, the knowledge, skills and experience the candidate brings to the position, the impact of above minimum salary on similarly situated employees and the market conditions for the particular position.

2. New Hire Agreements: In some instances, it may be unclear at the point of hire whether the new employee has the necessary skills to warrant an initial salary above the minimum of the pay grade. In these situations, the Department Director may hire the employee at the minimum of the pay grade and award a within grade increase within the first year if the employee meets criteria outlined in a new hire agreement. The details of the agreement, including specific performance objectives, amount of increase and the date of evaluation and implementation of the increase, shall be documented in writing to the employee. Such actions must be coordinated with Human Resources and the funding verified by the Budget Office prior to making an offer to the candidate. A copy of the agreement shall be maintained in the employee's official personnel file in Human Resources.

B. Performance Increases: Employees may be eligible for a base pay increase in accordance with resources and methodology approved by City Council in the annual adopted budget. When annual increases are included in the budget, the employee's performance is acceptable or higher and the employee has at least one year of service, an increase will be awarded in accordance with City Council's adopted budget direction.

Employees completing their initial employment period during the fiscal year in which increases are included in the budget will normally be awarded the increase at the beginning of the pay period following the successful completion of the initial employment period. Refer to Chapter 5, "Performance Management" for more information on performance feedback.

C. Promotions: An employee who competes for and moves from his or her current position to a position with distinctly different duties and responsibilities that is assigned to a pay grade or band with a higher minimum shall normally be granted a ten percent (10%) base pay increase or increase to the minimum of the new range, whichever is greater, at the time of promotion.

- 1.** There may be situations when it is appropriate for a Department Director to consider an increase of more than 10%. In those situations, a base pay increase not to exceed the maximum of the new pay range may be awarded under the following circumstances:
 - a.** The promoted employee has a higher than normal level of experience, skill, knowledge and education based on the needs of the position.
 - b.** A higher increase is needed to ensure peer group equity within the new position based on skill, experience, knowledge and education.
 - c.** A higher increase is appropriate due to market conditions in which it is clear that hiring from outside the organization would require a higher salary.

2. Department Directors considering increases above the standard increase must obtain support from the Human Resources Department, demonstrate that adequate funding is available and receive City Manager approval prior to communicating and awarding the increase to the promoted employee.
 3. A promoted employee does not begin a new initial employment period. He or she retains his or her initial anniversary date and is eligible for annual increases based on the pay rate in effect at the time of increase, regardless of the date of promotion.
- D. Reclassification:** Employees in positions that are reclassified and moved to a higher pay grade will normally receive a base pay increase equal to five percent of the current base pay, or the minimum of the new grade, whichever is greater.
- E. Progression within an Alternate Pay System or Band**
Individual departments, in collaboration with Human Resources, may establish alternate pay systems and structures where pay zones or levels within a broad band are more appropriate than traditional pay ranges. Customized systems may be designed to fit the specific goals and needs of one or more departments or groups of positions. Written criteria shall be included in the program that distinguishes one level from another and establishes the procedures for pay changes within the band. Employees assigned to positions within such a program shall have their pay set and increased in accordance with the provisions of the program.
- F. Demotions**
Employees may be demoted for cause to a different position in a pay grade with a lower minimum. Demotion for cause may result from unacceptable performance, failure to meet job requirements or disciplinary infractions. An employee demoted for cause shall normally have his or her pay reduced by 10% or moved to the maximum of the new range whichever is lower. Procedures outlined in Chapter Seven, Section VI, M.4, shall apply in situations of demotion for cause.
- G. Reassignments**
1. **Reassignment to a Position Within the Same Pay Grade:** An employee who moves from one position to another position within the same pay grade shall normally retain his or her current rate of pay.
 2. **Reassignment Through No-Fault to a Position in a Lower Grade:** An employee who is moved from one position to another position with a lower pay grade through no fault of his or her own (such as reorganization, reduction-in-force, reclassification of the position, the needs of management or in response to market factors) will normally have his or her pay set at a rate within the lower range that

results in the least loss of pay and that does not exceed the maximum of the range, based on the circumstances of the reassignment.

3. **Voluntary Reassignment to a Position in a Lower Grade:** An employee who competes for or requests and is granted reassignment from his or her current position to a position with distinctly different duties and responsibilities that is in a grade with a lower minimum shall normally have his or her pay reduced by five percent so long as the pay does not exceed the maximum of the pay range.

H. Certification Pay

Employees may be eligible for compensation in addition to base pay under the specific provisions of a departmental certification pay plan. Certification pay is typically earned while the employee possesses a job-related license or certificate and performs work related to the license or certificate. Certification pay is normally removed upon loss of the certification or license. Certification pay is not a part of base pay for VRS creditable compensation purposes or for pay adjustment purposes such as promotional or performance increases.

I. Temporary Assignments

1. Acting duty appointments occur, at the discretion of the City Manager, Deputy City Manager or a Department Director, when an employee assumes part or all of the duties of a higher level position that has been restructured or vacated due to resignation, termination, retirement or extended leave.
2. Temporary assumption of additional duties occurs when an individual temporarily takes on specific programs or tasks outside the scope of his or her normal job.
3. **Temporary Pay**
 - a. In many cases, assuming additional duties is a developmental opportunity for employees and does not include a change in compensation. However, the City Manager may approve additional compensation for employees assigned to long term temporary appointments to higher level positions, who assume significant additional duties or who assume responsibilities of additional programs or duties, based on the degree of responsibility assumed.
 - b. Department Directors may request temporary pay in circumstances such as:
 - i. The nature of the acting duty or assumption of additional duties exceeds a typical professional development opportunity;
 - ii. The acting appointment or the assumption of additional duties is expected to last 90 days or more;

- iii. The acting appointment or assumption of additional duties is due to changing departmental or budgetary circumstances and the future structure is uncertain.
- c. Additional compensation, if provided, is normally expressed in a percentage of base pay. The pay of an employee who takes on all of the duties of a higher level position and is relieved of his or her other responsibilities may be increased up to 10% or adjusted to the minimum salary of the pay range of the temporary position, whichever is greater. An employee who takes on all of the duties of a higher level position also takes on the conditions of employment of the position such as FLSA status and work schedule. In exceptional situations an employee may be granted a temporary increase greater than ten percent or the minimum of the range when approved by the City Manager.
- d. Temporary pay is typically approved for no more than one year. Extensions may be granted by the City Manager upon receipt of adequate justification.
- e. If an employee is receiving temporary pay at the time an annual increase is awarded, the employee is awarded the increase based on the base pay in effect prior to receiving temporary pay.
- f. At the end of the acting status or additional duties, the employee's pay will return to the level of pay in effect prior to the appointment to acting status or additional duties, plus any annual increases which the employee may have received.
- g. Temporary pay is not a part of base pay for Virginia Retirement System creditable compensation purposes or for pay adjustment purposes such as promotional or performance increases.
- h. Acting appointments or the assumption of additional duties shall be documented in writing and shall be made a part of the employee's official personnel file.

J. Within Grade Increases

- 1. Within grade increases are pay adjustments that increase an employee's base pay for reasons other than performance or reclassification. Such increases are at the discretion of the City Manager, based on requests by Department Directors and verification of available resources. Department Directors may request a within grade increase for an employee in circumstances such as:
 - a. To increase the pay of an employee who has demonstrated a significantly increased value by taking on additional responsibility that meets the needs of the City and which does not meet the criteria for a reclassification;

- ### K. Overtime Compensation

1. Eligibility for Overtime Compensation: The Federal Fair Labor Standards Act (FLSA) of 1938, as amended, requires that most employees in the United States be paid at least the federal minimum wage for all hours actually worked (productive time) and overtime pay, at time and one-half the regular rate of pay, for all hours worked over 40 hours in a workweek, unless exempted from the law or governed by the 207k public safety exemption.

2. Section 13(a)(1) and Section 13 (a)(17) of the FLSA provides an exemption from both minimum wage and overtime pay for employees in bona fide executive, administrative, professional positions as well as certain computer positions. Therefore, in compliance with the FLSA all positions in the City are designated as EXEMPT or NON EXEMPT. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the regulations. Non-exempt employees are covered by the FLSA and are eligible for overtime compensation for hours worked beyond the threshold established by the FLSA.
3. Overtime Compensation for Non-Exempt Employees: The FLSA requires that non-exempt employees receive overtime compensation at one and one-half times the regular rate for hours actually worked over 40 in one administrative work week, except sworn Public Safety positions, which have a threshold established in accordance with section 207k of the FLSA (see Chapter 2, Scheduling of Work).

While paid time off is not included as actual hours worked under the FLSA regulations, the City provides a more generous benefit than is required by law and includes all paid time off, except sick leave, as productive time worked for overtime compensation purposes. In compliance with State law, all paid hours will contribute to the hours worked threshold for sworn police employees and firefighters. A non-exempt employee shall not work any time that is not specifically authorized by his or her supervisor. Non-exempt employees are prohibited from performing any “off-the-clock” work, i.e., work performed but not recorded on the timesheet.

4. Overtime compensation may be in the form of compensatory time at one and one half hours of time awarded for each hour worked over the appropriate threshold or monetary payment, at management’s discretion. The City limits the amount of compensatory time a non-exempt employee can earn in lieu of cash overtime payment to 60 hours (120 hours for sworn public safety employees) after which monetary payment must be made. While employee preferences may be considered, employees may be required to take accrued compensatory time off as paid leave at management’s discretion. Unused compensatory time must be paid promptly upon separation from City employment or upon promotion or reassignment to an exempt position.
5. The time needed to travel to destinations outside of the normal work location, beyond commuting which is required to conduct City business, may be productive time as determined by the FLSA regulations about travel. Normally those out of town travel hours that correspond to the employee’s usual work hours are considered paid time and shall be included in hours worked for overtime purposes.
6. Exempt employees are not subject to the provisions of the FLSA and are not typically eligible to receive overtime compensation. They are expected to work at least forty (40) hours per week and may need to work additional hours to complete work responsibilities; however, with the approval of their supervisor, they may use discretion to adjust their regular work schedule following extended periods of work in excess of 40 hours per administrative work week. While employees in exempt positions are not normally eligible for overtime compensation, the City may choose to pay overtime, under certain conditions. Such conditions may include unusual or emergency circumstances as included in procedures previously approved by the City Manager.

L. Call Back Pay

Call back refers to situations when an employee is off duty and is called to return to work to deliver services required to protect the immediate safety, security and/or well-being of the community. All employees are subject to call back to work, outside of or beyond standard working hours, in unusual and/or emergency situations where

additional staffing is needed to deliver unplanned services. Regular work schedules may change in anticipation of emergency conditions and employees shall be in a call-back status only after exceeding the hours worked in a standard work day. Examples of such situations include, but are not limited to, unexpected staff shortages or absences in positions legally required to be staffed, emergency repairs, snow or other weather-related emergencies, public safety emergencies, staffing emergency shelters and/or similar emergency situations.

In call-back situations, a non-exempt employee required to report back to work or remain at work beyond his or her regular shift shall be compensated for the specific hours worked over and above standard working hours at a special pay rate equal to one and one-half times the regular base pay rate. In addition, when the employee has left the work site and is called back he or she will receive 45 minutes travel time at the special rate. Call back pay and travel time shall not be provided for preplanned duties such as meetings, training or presentations, planned activities such as leaf removal, scheduled building or road checks, warrant service or in instances where an employee is required to work beyond his or her scheduled hours to perform non-emergency duties.

M. Stand-By Pay

1. Stand-by is time that a designated, non-exempt employee must remain available to report to work during off-duty hours, in accordance with his or her department's operating procedures, but is not unduly restricted in his or her freedom to conduct personal business. An employee on stand-by is not required to remain at work or home and is free to engage in personal pursuits, with the understanding that he or she must be available by phone or pager to respond and report to work if necessary. A non-exempt employee assigned to stand-by shall be compensated as follows for the stand-by time:
 - a. One hour regular pay for each 24-hour day, Monday through Friday or regular work day of the employee's assigned regular work schedule.
 - b. One hour regular pay for each eight hour period on Saturday, Sunday, observed holiday or other regularly scheduled day off.
 - c. Stand-by pay may be awarded as the equivalent amount of time off in lieu of payment at management's discretion; however all unused stand-by hours must be paid out at the employee's regular rate of pay at the end of each calendar year.
2. If an employee on stand-by is called out and required to report to work to handle unexpected issues, he or she shall be compensated for the specific hours worked at a special rate equal to one and one-half times the regular base pay rate regardless of productive hours in the work week, and 45 minutes travel time at the special rate.

3. Each City department shall identify the positions subject to stand-by and shall establish written operating procedures, subject to review and approval by the City Manager, for stand-by coverage including a rotation schedule, acceptable response time and application of stand-by pay processes.
4. Exempt employees are not eligible for stand-by pay, with the exception of designated Department of Social Services employees who shall be compensated in compliance with State requirements. However, an exempt employee on stand-by who is called out to work may, with the approval of their supervisor, use discretion to adjust their regular work schedule following extended periods of such work.

N. Employees as City Volunteers

1. Employees in positions categorized as Exempt under the FLSA may volunteer their services in any capacity for City events.
2. Employees in positions categorized as Non-Exempt under the FLSA may be limited in their ability to volunteer for City events.
 - a. A non-exempt employee may volunteer for a City event so long as the volunteer duties are in a different capacity than his or her current job.
 - b. A non-exempt employee is not allowed to volunteer for the City in a similar type work as his or her paid job.
 - c. The assigned category in the Federal Dictionary of Occupational Titles determines whether two jobs are considered similar or different for the purposes of this policy.

O. Other Pay Actions

Other pay actions such as car, uniform or tool allowances, and one time monetary bonuses, rewards and incentives may be provided in addition to base pay as deemed appropriate and in compliance with the compensation philosophy. Such additional compensation is not reported to VRS for creditable compensation purpose.

V. Pay Process

- A. The City's policy and practice is to accurately compensate employees and to do so in compliance with all applicable State and Federal laws.
- B. Employees are paid twenty-six times per year in two week increments every other Thursday. Payment is made through direct deposit and pay statements are available in the employees' online HR Portal.
- C. To ensure that employees are paid properly, each non-exempt employee shall record all time worked on the "Hourly Employees Hours Worked/Leave Form" or other

paper or web-based form approved by the Human Resources Department. Each exempt employee shall record leave taken on the “Full-time Classified Employee Exception Form” or other paper or web-based form approved by the Human Resources Department.

- D.** The City processes required deductions for Federal and State income tax, Social Security and those required by court orders, such as garnishments and child support payments. An employee may also authorize other City approved pay deductions, such as contributions for medical, dental and vision coverage, supplemental benefits, United Way contributions, Flexible Spending Accounts, and/or contributions to the City’s Deferred Compensation Program.
- E.** The City makes every effort to ensure pay accuracy and each employee is responsible for reviewing his or her pay statement to ensure that the pay and deductions are correct. Occasionally, inadvertent administrative mistakes occur which may be identified through audits or by individual employees. An employee who believes that a mistake has occurred or an incorrect deduction has been made must immediately notify his or her direct supervisor or the Human Resources Department so that prompt review may be initiated. If a payroll mistake has occurred, regardless of the cause of the error, the employee will normally be reimbursed for underpayments or required to repay the City for overpayments, as appropriate to correct the consequences of the error.
- F.** The City requires Direct Deposit of pay to qualified financial institutions. All employees must participate in direct deposit.
 - 1.** Direct Deposit Procedures:
 - a.** Upon hire, the employee shall complete a “Direct Deposit Authorization/Change Form” and submit it to the Human Resources Department. The employee shall also submit a copy of a voided check or other verification of the account number and routing number for each account with the signed form.
 - b.** An employee may choose to split his/her net pay between financial institutions. If the net pay is directed to more than one account, a dollar amount must be designated, in writing, for each account except one. The account with no dollar amount shall be designated “balance of net pay” to account for possible changes in total pay each pay period.
 - c.** If for any reason the City is alerted that an employee’s pay is not posted to the appropriate account, the City will contact the employee to try to resolve any discrepancies as soon as it is notified by the bank. If the City is unable to resolve the problem in sufficient time for the check to be deposited with the associated payroll, it may be necessary to provide the employee a physical paycheck. This may cause a delay in the employee receiving his or her pay.

- d. An employee must notify Human Resources prior to making changes in financial institutions, account numbers or any other change that might affect the direct deposit transaction. An employee may make changes to the amounts deposited or to the names and/or numbers of accounts at his or her discretion by completing and submitting a revised Direct Deposit Authorization/Change form. All changes and forms must be received in Human Resources in accordance with pay processing schedules. The forms required to initiate or change direct deposit are available in Human Resources and on the City's intranet.
- e. Direct Deposit funds will typically be posted at the financial institution by the start of business on the scheduled pay date. When a City or banking holiday falls on a scheduled pay date, the direct deposit funds will normally be available to the financial institution on the last banking day before the pay date. Any fees associated with the Direct Deposit service will be paid by the City. The City is not responsible for other fees, such as those associated with minimum balances or the use of ATM cards that may be charged to an individual by a financial institution.



4 Benefits

An array of City benefits combined with salary or wages establish a total compensation package that supports the City's goals of attracting, rewarding and retaining high performing employees. In addition to the benefits outlined within this chapter, paid time-off benefits are outlined in Chapter Five, "Paid Time-Off and Absence from Work."

I. Right to Make Changes

From time to time, conditions or circumstances may require that the City make changes, additions, or deletions in its benefits program for both active employees and retirees as the City determines are appropriate. **This policy does not grant employees or retirees vested benefits. In other words, employees and retirees are not guaranteed current or future benefits, unless required by federal or state law.**

II. Medical and Dental Coverage

- A. Eligibility: Group medical and dental coverage is currently available for all full time employees and their eligible dependents. In accordance with the Patient Protection and Affordable Care Act (PPACA) employees who average 30 paid hours per week over a one-year time period are eligible for medical and dental coverage for the subsequent plan year. Enrollment takes place at new hire orientation and coverage begins the 1st day of the month following the date of full-time hire, except that if an employee is hired on the first of the month, coverage begins on that date, and thereafter during open enrollment periods. Employees may make changes in their coverage during open enrollment periods and when a qualifying event occurs that allows changes such as marriage, divorce and birth or adoption of a child.
- B. Cost of Coverage: The City currently pays a substantial share of the cost for the employee's coverage (single coverage). The employee's share of the coverage may be determined annually through Council action. Employees who elect to cover their eligible dependents are responsible for the additional cost of the dependents' coverage. Payment for medical coverage must be made through payroll deductions and are automatically processed on a pre-tax basis unless the employee submits a written waiver to the Benefits Manager in Human Resources.
- C. The employee share of single coverage may be reduced when an employee voluntarily enrolls and maintains membership in the City of Lynchburg Health Management Program (HMP).

III. Health Management Program

To support a healthy workforce, the City funds a Health Management Program (HMP) which is coordinated, managed and delivered by outside service providers. This voluntary program, available to active employees eligible for medical and dental coverage includes periodic health assessments and on-going access to a City sponsored clinic staffed by a Certified Nurse Practitioner (CNP) for personal health management and treatment of personal illness at no cost to the participant. The clinic staff is not intended to take the place of a personal primary care physician and does not provide a full range of medical services to participants. (Note: Employees with work-related injury or illness receive assessment and treatment through the City's Occupational Health Clinic).

Employees who choose to enroll and maintain membership in the HMP may also be eligible for a reduction in the employee share of single medical coverage and may receive vision coverage as benefits of participation.

IV. Group Life Insurance

- A. All full time employees are covered by the City's basic group life insurance plan. The life insurance plan is administered by the Virginia Retirement System (VRS) and underwritten by a provider selected by VRS.
- B. Coverage for death due to natural causes is two times the annual base salary, rounded up to the nearest thousand dollars. The accidental death benefit is four times the annual salary. The City currently pays 100% of the cost for the basic group life insurance plan.
- C. Upon retirement, the value of the group life insurance decreases over time until it reaches and remains at 25% of the value at the time of retirement.

V. Optional Group Life Insurance

- A. All full-time employees are eligible to purchase optional group term life insurance for themselves, their spouse and their children through VRS.
- B. The employee is responsible for 100% of the cost of the optional life insurance.
- C. Employees may purchase coverage in amounts of 1, 2, 3, or 4 times their annual salary. The amount of coverage available to spouses and children depends on the amount of coverage selected by the employee.

VI. Virginia Retirement System (VRS) Disability Benefits

Details of eligibility and other features of the Virginia Retirement System are covered in the Handbook for VRS Members, available in the Human Resources Department and on-line at www.varetire.org. The type and conditions of disability coverage depends upon the specific features of the employee's VRS plan membership.

- A.** VRS Plans 1 and 2 include eligibility for Disability Retirement if an employee cannot work because of a non-work related or work-related condition that is likely to be permanent. Eligibility and application requirements are available from Human Resources and VRS.
1. Sworn police and firefighters may also be eligible for State of Virginia Line of Duty benefits in the case of work-related disability or death. Information regarding Line of Duty benefits is available from Human Resources and VRS.
- B.** The VRS Hybrid Plan includes Short Term Disability (STD) and Long Term Disability (LTD) benefits under the Virginia Local Disability Program (VLDP). VLDP provides income replacement for eligible employees who experience incidents of disability.
1. The City contracts with an independent agency to facilitate a claims process, to determine disability and provide "advice to pay" to the Human Resources Department, as needed. The agency will also follow up with the employee on STD to provide assistance in getting back to work.
 2. STD and LTD is available based on three types of disability as follows:
 - a. Disability: An illness or injury which prevents the employee from performing the full duties of his/her job
 - b. Major Chronic: Life threatening health condition over a prolonged time that is not expected to resolve in the foreseeable future as determined by licensed treating healthcare provider and administrator
 - c. Catastrophic: Condition that renders the employee unable to perform at least two of six activities of daily living as outlined below:
- | | |
|-----------|---|
| Bathing | Eating (ability to feed oneself) |
| Dressing | Controlling the bladder or bowel |
| Toileting | Transferring (getting in or out of bed or chairs) |
3. Short-Term Disability eligibility is determined by the nature of the disability: work-related and non-work-related.

- a.** Work-related disability guidelines are as follows:
- i.** Members are eligible for work-related STD from the first day of employment.
 - ii.** Workers' compensation benefits are considered primary and offset STD payments.
 - iii.** A seven calendar day waiting period is required for STD, unless the disability is Major Chronic or Catastrophic.
 - iv.** Injury leave applies to workdays within first seven calendar days.
 - v.** The STD benefit provides up to 125 workdays of income replacement based on the employees' years in the program, as follows:

Days of Income Replacement: Work-Related Short-Term Disability			
Years in Program	Workdays at 100%	Workdays at 80%	Workdays at 60%
Less than 5	0	0	125
5 - 9	85	25	15
10 or more	85	40	0

- b.** Non-work-related disability guidelines are as follows:
- i.** Hybrid Plan members are eligible for non-work related disability benefits after one year of employment with the same employer.
 - ii.** A seven calendar day waiting period is required once eligible for STD, unless the disability is Major Chronic or Catastrophic.
 - iii.** Accrued paid time off may be used for the work days within the waiting period.
 - iv.** The STD benefit provides up to 125 workdays of income replacement based on the employees' years in the program, as follows:

Days of Income Replacement: Non- Work-Related Short-Term Disability			
Years in Program	Workdays at 100%	Workdays at 80%	Workdays at 60%
Less than 1	0	0	0
1 - 4	0	0	125
5 - 9	25	25	75
10 – 14	25	50	50
15 or more	25	75	25

4. Hybrid Plan Long Term Disability (LTD)

- a. Long term disability is available to VRS Hybrid Plan members when an employee has exhausted short term disability benefits and is unable to return to work.
- b. Members are eligible for LTD beginning the first day of work for work-related disabilities and after one year of service with the same employer for non-work-related disability.
- c. Benefits are paid directly to the employee from the end of STD until VRS retirement age, if eligible condition continues.
- d. Eligibility during first two years is based on inability to perform own job.
- e. Eligibility after two years is based on an inability to perform any job.
- f. LTD benefits are paid directly to employee by the City's Administrator.

VII. Retirement

- A. All full-time City employees are enrolled in the Virginia Retirement System based on the date of enrollment or hire. VRS coverage begins on the first day of the month following the date of hire, except that if an employee is hired on the first business day of the month coverage begins that day, and normally ends on the last day of the month of separation.
- B. VRS is a State retirement system and all rules and regulations regarding contributions and retirement benefits are made by the General Assembly. The City, as a member employer, must comply with all regulations as set forth by the legislature.
- C. VRS currently identifies Plan 1, Plan 2 and Hybrid plans based on date of initial enrollment. Sworn public safety employees are enrolled in Plan 1 or Plan 2 based on date of hire and all other employees are enrolled in Plan 1 or Plan 2, if enrolled or hired before January 1, 2014 and are enrolled in the Hybrid Plan if the initial membership in VRS is on or after January 1, 2014.
- D. Newly hired employees with active VRS membership retain their previous Plan enrollment. For example, a newly hired City employee who has active Plan 1 VRS service retains Plan 1 membership even if hired by the City of Lynchburg on or after January 1, 2014.
- E. The City currently shares the cost of VRS coverage with employees as dictated by State Code. The City's contribution is based on a rate determined bi-annually by the VRS Board and the employee's contribution is set by State Code at a minimum of 5% of annual pay.

- F.** Retirement benefits are based on three factors: years of service, the average of the highest consecutive 60 months of compensation (36 months for VRS Plan 1), and the applicable plan multiplier. Eligibility for unreduced retirement benefits is based on Plan enrollment and varies for Plan 1, Plan 2 and the Hybrid Plan.
- G.** Details of eligibility and other features of the Virginia Retirement System are covered in the Handbook for VRS Members, available in the Human Resources Department and on-line at www.varetire.org
- H.** An employee may request a refund of the member contribution portion of retirement contributions upon termination from employment in accordance with VRS regulations.
- I.** The City reserves the right to participate in another retirement system should it deem appropriate.

J. Medical and Dental Coverage During Retirement

1. Retirees may continue to participate in the group medical and dental plans based on the date of full-time hire and in accordance with the provisions outlined below. From time to time, conditions or circumstances may require the City to make changes, additions, or deletions in its medical and dental care coverage for both active employees and retirees as the City determines are appropriate. No City policy or practice grants employees or retirees vested medical or dental coverage benefits; in other words, no employee or retiree is guaranteed current or future medical or dental coverage benefits.
2. The City currently allows retirees who retire directly from the City, i.e., leave service and immediately begin to receive a retirement benefit from VRS, and their eligible dependents to continue to participate in the group medical and dental plans as dictated by sections 4 and 5 below.
3. Employees who terminate from City service and defer retirement are not eligible to continue to participate in the City's group medical and dental plans. Deferred retirement occurs when the employee who terminates service does not elect or is ineligible for an immediate retirement benefit from VRS.
4. Full-time employees hired prior to July 1, 1996 and who have no break in service are currently eligible to participate in the City's medical and dental plans and receive City contributions for the coverage when they retire directly from the City, as defined in section 2 above.

5. Full-time employees hired on or after July 1, 1996 are currently eligible to participate in the City's medical and dental plans at the retiree's expense when they retire directly from the City, as defined in section 2 above and meet all of the following conditions:
 - a. The employee has completed at least 15 years of full-time service with the City of Lynchburg;
 - b. The current premium value of the medical and dental coverage is paid wholly by the retiree;
 - c. The retiree is not eligible for Medicare due to age and/or disability. Eligibility for City coverage ends at the end of the month that the retiree becomes eligible for Medicare.
6. Employees eligible to participate in the City's medical and dental plans into retirement may also continue to cover their eligible dependents if those dependents were included on the employee's coverage for the five (5) years preceding retirement.
7. Job Related Disability Retirement: An employee who qualifies for and is granted disability retirement or long term disability under the Virginia Retirement System is subject to the requirements outlined in sections 4 and 5 above to determine eligibility for medical and dental plan participation and City contributions in retirement.

VIII. COBRA

- A. Under the Consolidated Omnibus Budget Reconciliation Act (COBRA) health benefit provisions, the City provides a temporary continuation of group health coverage in accordance with federal regulations.
- B. The City normally offers COBRA continuation coverage to covered employees, their spouses, former spouses, and dependent children when group health coverage would otherwise be lost due to separation from employment or reduction in hours such that the employee is no longer eligible for benefits. COBRA continuation coverage is usually more expensive than the amount that active employees are required to pay for group health coverage, because the City no longer shares in the cost of coverage.
- C. The Human Resources staff sends COBRA notices following a qualifying event including specific enrollment information, timeline and costs.

IX. Deferred Compensation

- A.** The Deferred Compensation Program is an individual income investment plan authorized by Section 457 of the Internal Revenue Code, which can be used as a supplement to retirement plans and Social Security. The City currently allocates resources to coordinate the Deferred Compensation Program.
- B. Eligibility:**
 - 1. Employees holding full-time, part-time and hourly positions, including grant funded positions, are eligible to participate in the Deferred Compensation Program effective with the date of hire.
 - 2. Employees eligible for a distribution from ICMA-RC due to their age and retirement status are not eligible to contribute to the deferred compensation program as an active employee.
- C.** As a part of an overall benefits program, the Human Resources Department coordinates the Deferred Compensation Program. The Program is directly administered by the International City Management Association - Retirement Corporation (ICMA-RC), which is specifically organized to promote voluntary retirement plans for local government employees. Participant contributions are deducted on a pre-tax basis. Program participants have numerous investment choices from which to choose. All contributions remain with ICMA-RC until the funds are withdrawn in accordance with ICMA-RC guidelines upon separation from employment, retirement or death.
- D. Program Guidelines**
 - 1. Individual voluntary contributions to the employee's Deferred Compensation account shall be made by the employee through payroll deductions. Contributions must be at least \$5.00 per pay period and may not exceed the maximum allowed by law.
 - 2. Initial enrollment and changes in deductions shall be submitted in writing to the Human Resources Department. A signed authorization form is required prior to actual deductions or changes.
 - 3. ICMA-RC Responsibilities:
 - a.** The ICMA-RC will assign an account manager to the City of Lynchburg who shall be accessible and periodically meet with employees.
 - b.** ICMA-RC will provide general information and individual account information directly to employees.

4. The Human Resources Benefits Manager coordinates with the ICMA-RC account manager to regularly deliver information sessions that promote the benefits and opportunities of participating in the Deferred Compensation Program.
5. An advisory group comprised of the City Manager, Deputy City Manager, Finance Director, Benefits Manager and Human Resources Director meet at least annually to review the Deferred Compensation Program.

X. Employee Assistance Program (EAP)

- A.** The City contracts with a professional employee assistance provider to deliver employee assistance services to employees and their families.
- B.** Service
 1. Individual: The EAP is a service to help resolve personal problems that may be interfering with work performance or home life. Examples include marital and family conflict, drug and alcohol issues, financial, emotional, career and employment concerns, and parenting issues.
 2. Groups: The EAP may work with workgroups directly or provide intervention strategies as needed to address issues contributing to poor working relationships or an ineffective work environment.
- C.** The staff of the EAP is bound by contract with the City and professional standards to keep all information, including visits, conversations, and employee information strictly confidential to the extent allowed by law. The EAP will not acknowledge that an employee has contacted them unless the employee provides written consent to do so or the employee was referred by the City. When an employee is referred by a supervisor, the EAP may advise the City of the contact and whether or not the employee participates.
- D.** Procedures
 1. Employees or members of their families may self-refer and contact the EAP directly. Supervisors may encourage employees to contact the EAP or they may make a Supervisory Referral as described below, if he or she believes that poor performance or inappropriate behavior is the result of personal problems.
 2. Employees who test positively for drugs or alcohol under the City's Drug Free Workplace Program may be referred to and required to meet with the EAP. (See Drug Free Workplace for more information.)
 3. Supervisors shall follow the procedures outlined below when making a supervisory referral:

- a. Contact the Human Resources Department to discuss the referral and to obtain the required referral forms.
- b. Complete the referral form and share the referral with the employee in a face-to-face meeting.
- c. If the employee accepts the referral, call the EAP to set up an initial appointment.
- d. Provide paid time off for the employee to attend the initial appointment. If subsequent appointments are needed, appropriate accrued leave shall be used.
- e. Employees referred to the EAP are expected to cooperate with recommendations and treatment plans. Failure to do so will result in appropriate management action as employees shall be held accountable for the behavior identified as the reasons for the supervisory referral.
- f. If the employee refuses to meet with the EAP, the supervisor shall document such refusal and include it in the employee's official personnel file.

XI. Workers' Compensation Insurance

- A. The City provides Worker's Compensation benefits as required by law to all employees. The program provides compensation and medical payments in the event that an employee is unable to work due to a work-related illness or injury.
- B. If an employee is involved in an accident that arises out of and in the course of employment, the employee must report the accident to his/her supervisor immediately. Failure to report the accident promptly may result in loss of compensation and payment of medical expenses.
- C. Benefits provided under the City's Worker's Compensation program include compensation for:
 - 1. temporary total disability;
 - 2. temporary partial disability;
 - 3. permanent partial disability;
 - 4. total and permanent disability;
 - 5. medical expenses;
 - 6. rehabilitation expenses; and
 - 7. death benefits.

- D.** The Virginia Worker's Compensation Act is administered by the Virginia Workers' Compensation Commission. The City complies with all rules and regulations as set forth by the Commission regarding the handling of Worker's Compensation claims.
- E.** The following claim procedure must be strictly followed, otherwise it could result in the employee paying the cost of his/ her medical treatment or prejudicing the City against the injured employee's claims. An injured employee must do the following:
1. Immediately, or as soon as physically able, report all accidents or occupational illnesses to his or her supervisor.
 2. Complete an accident report for each and every occupational incident.
 3. Select a physician from the City's "Panel of Physician" list, available from the Human Resources Benefits Manager and on the Human Resources' web pages.
NOTE: If the employee does not use a physician from the City's panel, the employee is financially responsible for any incurred medical expenses.
- F.** Employer Responsibilities:
1. In accordance with the Injury Leave policy, an employee who sustains an on-the-job injury or contracts an occupationally related disease which incapacitates him or her from performing his or her duties may be granted paid leave for the normally scheduled work days within seven calendar days following the qualifying injury. Such time off without loss of pay or charge to personal leave shall end at the close of business on the 7th calendar day. The absence may be covered by workers' compensation if the employee is unable to work after seven days as defined above. Subsequently, time lost for injuries that are not approved for Workers' Compensation must be covered by some other form of leave, such as sick, annual or personal leave.
 2. The City is financially responsible for up to $\frac{2}{3}$ of lost wages and 100% of medical expenses incurred by the employee resulting from a compensable on the job accident or occupational illness.
 3. The City maintains a self insurance fund for Worker's Compensation. As a result, the City is largely dependent on communication with supervisors and departmental management to control Worker's Compensation costs.
 4. The Human Resources Department, working with the Risk Management Division, oversees Workers' Compensation in compliance with the Workers' Compensation Act of Virginia.
 5. When a work-related injury or illness also qualifies as a serious health condition under the FMLA, absences of more than one work week will be designated as Family Medical Leave concurrent with Worker's Compensation.

- G. Worker's Compensation Salary Supplement:** In addition to the requirements of the Virginia Workers' Compensation Act the City provides a short term supplement to the Workers' Compensation award to reduce the possible financial impact of a work-related injury or illness.
1. Employees filling full- and part-time positions who qualify for compensation payments for any injury or occupational illness under the Virginia Worker's Compensation Act shall normally receive a supplemental payment for up to three months. The salary supplement is designed to help minimize the financial hardship caused by temporary on-the-job injury or job-related illness. The total of the Worker's Compensation payment and the salary supplement will approximate the employee's regular net pay. Salary supplements are not available in situations of a reoccurrence of an injury or illness.
 2. The salary supplement (minimum of \$1.00) will be processed through regular payroll and processed through direct deposit.
 3. An employee is eligible to receive the supplement for up to three months. If the employee is unable to return to work at the conclusion of three months, the employee may request consideration of an extension by submitting such request to the Director of Human Resources. The Human Resources Director and the employee's supervisor and/or Department Director will review requests. Approval is dependent on valid documentation that the employee will be able to return to full duty within an additional three months.
 4. While receiving the supplement, the employee may continue to be eligible for City contributions for VRS, health, dental and life insurance and will accrue relevant paid time off depending on the start date of the absence. Once the supplement ends, the employee may elect to continue their health and dental insurance coverage by paying the appropriate contributions for individual and family member coverage.
 5. When the employee returns to work, time off of less than one day for follow-up medical attention will be designated as injury leave.
 6. When the Workers' Compensation payment starts in the middle of a pay period, both the Workers' Compensation payment and the supplement will be based on 1/14 of the supplement per day.
 7. The employee may authorize deductions from the supplement, such as family or dental insurance, optional life insurance, or deferred compensation; to the extent funds are available. If insufficient funds are available, the employee may continue these programs by contacting the Human Resources Department to arrange for monthly payments by check or money order.

XII. Occupational Health Clinic

The City provides work-related medical services to applicants and employees through the Occupational Health Clinic. The Clinic is staffed by an Occupational Health Registered Nurse (RN) and delivers a wide array of testing, preventive and responsive medical services. A part-time Operational Medical Director provides broad medical oversight and guidance for Clinic services. Employees are expected to contact the Occupational Health Clinic for non-emergency work-related injuries and illnesses. Typical services include, and are not limited to:

- A.** pre-employment services: following conditional offers of employment and when required by the position, pre-employment drug and alcohol testing and physical examinations;
- B.** non-emergency work-related injuries and illnesses assessment and referral as needed;
- C.** periodic public safety physicals;
- D.** random and Reasonable Cause drug and alcohol testing;
- E.** preventive services such as vaccines and screenings;
- F.** CPR and First Aid training.

XIII. Return to Work Program

The City of Lynchburg is committed to providing a safe workplace and returning employees to productive work as soon as possible in the event of a work-related injury. Human Resources and Risk Management shall establish and maintain a return to work program that focuses on an injured employee's abilities rather than restrictions. If an employee sustains a work-related injury and he or she is not able to immediately return to regular duties, modified or transitional work may be identified. Human Resources, Risk Management and the relevant department will work together to provide temporary modified work or provide the employee with transitional duties or an alternate position until he or she is physically able to return to full, regular duties. The employee's medical condition as well as limitations or restrictions established by the employee's medical provider are the priority when identifying any modified/alternate assignment. Employees are expected to participate in the development and implementation of their respective return to work plans. In some situations an employee may be required to comply with the return to work provisions established by the City's short term disability provider.

XIV. Other Benefits

A. Flexible Spending Accounts (FSA)

1. The City allows employees to voluntarily have a portion of their pay placed in a health care reimbursement account, dependent care account and/or transit reimbursement account as permitted by Section 125 of the Internal Revenue Service (IRS) Code. The portion of pay that is diverted to these accounts is not subject to Federal or State income or Social Security taxes. Flexible Spending Accounts, also known as Flexible Spending Arrangements, help employees defray the costs of eligible medical, child care and transportation expenses by setting aside tax-free dollars for these expenses.
2. Employees in full-time and part-time positions may enroll in an FSA effective on the first of the month following their date of hire. Open enrollment is held each fall for the plan year January 1 – December 31. Enrollment is voluntary and once enrolled participants are bound by IRS regulations that control withdrawal from the program.
3. Each FSA has dollar limits and restrictions regarding expense reimbursement. Please consult the enrollment materials for specific information and restrictions.

B. Voluntary Supplemental Benefits

At the City's discretion, other supplemental benefits such as additional life or medical insurance, accidental insurance, short-term disability coverage, long term care, etc. may be available to employees. Supplemental benefits are offered through a third party and are not a part of the City's standard benefits program. However, the City offers the convenience of pre-tax and after-tax payroll deductions, as appropriate, for these supplemental programs.

C. Credit Union

The Lynchburg Municipal Employees Federal Credit Union is a non-profit financial agency that supports the financial needs of City and City Schools employees but is not an official City department and receives no operational funding from the City.

D. Allowances

1. At the City's discretion, employees may be provided uniforms and/or special clothing to be worn while performing official duties. Department Directors shall designate the type, color and style of uniforms which shall be worn by the employees within their respective departments and shall issue rules and procedures governing the initial issuance, maintenance, replacement and accountability for such uniforms.

2. At the City's discretion, employees may be provided equipment and tools or monetary allowances for required equipment and tools based on the nature of the job and available resources.

E. Take Home Vehicles

1. In general, there is no absolute need for any City employee to take a City-owned vehicle home. The decision to allow a City employee to take a public vehicle home shall be based on a determination that allowing or requiring the vehicle to be taken home will be demonstrably beneficial to the delivery of services to the citizens through enhanced productivity or cost savings. The City Manager shall have the final authority to determine if an employee may take a City-owned vehicle home on a regular basis.
2. City employees are not authorized to take City-owned vehicles home except under the following circumstances:
 - a. The employee is on 24 hour call for emergency response where rapid or immediate response time is required.
 - b. The employee is on call and drives a vehicle specially equipped to fulfill a departmental mission.
 - c. A determination has been made, and approved by the City Manager, that allowing or requiring a vehicle to be taken home will be demonstrably beneficial to the delivery of services to the citizens of Lynchburg through enhanced productivity or cost savings.
 - d. The Department Director has determined that approval, required attendance at work functions would be more efficient if the employee could proceed to or from home without having to obtain a City-owned vehicle from a central location (e.g., evening meetings, travel out of town, job site inspections). Such approval shall end when the specific reason for taking the vehicle home has passed.
 - e. As stipulated in an agreement, pre-approved by the City Manager.
3. The use of a take home vehicle is subject to the following conditions:
 - a. There shall be no personal use of City-owned vehicles unless such use is incidental and minimal, such as travel to or from lunch or medical appointments or for personal errands on the way to or from work, or during lunch break, if the errand requires only a minor deviation of one mile or less from the normal route traveled.

- b. Individuals allowed to take home a City-owned vehicle shall reside within the City of Lynchburg unless there is a clear demonstration of the value of allowing the vehicle to be taken out of the City and such use is approved by the City Manager.
- c. There shall be an annual review of take home vehicles justified for emergency response to include the number of times the vehicle was actually used for emergency response after being taken home.
- d. An employee utilizing a take home vehicle shall be taxed according to prescribed IRS rules and regulations for any compensatory benefits received from the use of a City-owned vehicle.
- e. Under no circumstances shall a spouse, dependent or any other person not employed by the City be permitted to operate a take home vehicle.
- f. Unless waived by the City Manager, every take home vehicle shall have decals, markings and other identification as prescribed for City-owned vehicles.
- g. Individuals allowed to take home a City-owned vehicle must also comply with all components of the City of Lynchburg Fleet Policy, which is available from Fleet Services and is posted on the City's Intranet.



5

Paid Time Off and Other Absences

I. General Information

- A.** Paid time off, also referred to as leave, is an important part of the City's total compensation package and provides time away from work for rest, relaxation and personal purposes. It may also protect employee pay during times of illness or incapacity. Paid time-off benefits are determined by a variety of factors such as VRS plan, date of hire and position category.
- B.** Regular attendance at work is a critical component of meeting the service delivery, productivity and efficiency goals of the City. Employees are expected to maintain regular, predictable attendance and to report to work on time except for time off approved under the following provisions.
- C.** Eligible employees accrue leave on the 15th of each month as long as they are employed and in a paid status on the work day before and the work day after the monthly accrual date.
- D.** Total creditable service for full-time paid time off accrual purposes shall be computed from the date of appointment or conversion to a full-time position.
- E.** Promotion, demotion, transfers or reassignment to a different full-time position does not affect the amount of accumulated paid time off.
- F.** Approval of paid time off is at the discretion of the supervisor and, may be denied in situations such as when necessary to keep an operation or shift adequately staffed or when an employee has been absent from work for significant periods of time for other reasons. Employees may be called back to work from approved leave for valid service delivery reasons such as an emergency (refer to Chapter 2, Section X, "Emergency Service").
- G.** In all cases, paid time off must be approved prior to use by the supervisor and employees must comply with established departmental procedures regarding scheduling of leave.
- H.** Paid time off may be used in ¼ hour increments.

- I. Paid time off is a personal benefit to an individual employee and shall not be loaned or sold to another employee, except through participation in the Leave Donation Program.
- J. Employees cannot be in more than one pay status at a time. Employees are not allowed to be in a paid time off or a leave without pay status while actually working for any reason.

II. Full-Time Paid Time Off Benefits

- A. Legacy Leave: Full-time employees covered by Virginia Retirement System (VRS) Plan 1 and Plan 2 earn a variety of paid time off as follows:

- 1. Legacy annual leave is paid time off from work for vacation, recreation or other personal purposes.
 - a. Legacy annual leave is earned as follows. Fire/EMS personnel assigned to 24-hour shifts earn annual leave based on a conversion factor of 1.4 times the rates below:

Months of Service	Annual Leave Hours Accrued Per Month	Total Annual Hours	Maximum Hours Carry Over	Maximum Hours Payout
0 – 60	8	96	288	288
61 – 120	10	120	288	288
121-180	12	144	288	288
181 -240	14	168	288	288
241+	16	192	288	288

- b. Legacy annual leave may accumulate throughout the year but the amount that may be carried forward from one calendar year into another calendar year is limited to 288 hours: 403 hours for Fire/EMS personnel assigned to 24-hour shifts.
 - c. Upon separation from employment, an employee (or the employee's estate in case of the employee's death) will receive payment for a maximum of 288 hours: 403 hours for Fire/EMS personnel assigned to 24-hour shifts, of accumulated, but unused annual leave.
 - d. The pay-out for unused leave shall normally be paid in a lump sum rather than by maintaining the employee in an active status until the accrued leave runs out.
- 2. Legacy Sick Leave is paid time off that may be used to cover an employee's absence for the reasons listed below.
 - An employee's incapacity because of illness or injury;
 - An employee's medical and dental appointments;

- The illness or injury of an employee's dependent family member that requires the employee's presence;
 - For the purposes of sick leave usage, a dependent family member is defined as the employee's parent, spouse, minor child/stepchild or person for whom the employee has been appointed legal guardian.
 - a. An eligible full-time employee accrues eight hours of sick leave: 11.2 hours for Fire/EMS personnel assigned to 24-hour shifts, each month.
 - b. Sick leave balances shall be limited to a maximum of 960 hours: 1344 for Fire/EMS personnel assigned to 24-hour shifts.
 - c. Employees shall not be paid for unused sick leave when the employee leaves employment with the City of Lynchburg for any reason.
 - d. Requests for sick leave may be denied in situations when the supervisor has valid reasons to believe that the employee is abusing sick leave.
 - e. Management may, at its discretion, require medical certification prior to approval for any sick leave taken including medical certification stating that the employee's presence is required for the incapacity of a dependent family member. Acceptable evidence of illness, injury or incapacity of the employee or family member is determined by the relevant department or division director. Additional medical information may be required if initial documentation is not clear. An employee shall be provided advance written notice if medical certification is required.
 - f. When there is reason to believe that an employee is abusing sick leave privileges, such as a pattern of use that indicates an employee is not actually incapacitated, management action including requiring certification and/or disciplinary action may be taken. Examples of patterns that may indicate sick leave abuse include consistently using sick leave as it is accrued, consistently requesting sick leave on Fridays and/or Mondays, consistently requesting sick leave the day after payday, or similar behavior.
 - g. Employees shall not be paid for unused sick leave when the employee leaves employment with the City of Lynchburg for any reason.
3. Legacy Personal Leave is paid time off for personal purposes at the employee's discretion.
- a. Employees in the Legacy Leave Program are granted 16 hours of personal leave per calendar year on the 1st of January following full-time date of hire. Fire/EMS Department employees assigned to 24-hour shifts are awarded 22.4 hours of personal leave per calendar year.

- b.** Newly hired employees, when hired prior to November 1, are granted 8 hours of personal leave at the time of hire: 11.2 hours for Fire/EMS employees assigned to 24-hour shifts.
- c.** Personal leave is normally scheduled in advance and shall be approved by a supervisor. Employees must comply with established departmental procedures regarding scheduling of personal leave such as completing appropriate request forms.
- d.** Unused personal leave does not carry forward into a new calendar year. Employees shall not be paid for unused personal leave when the employee leaves employment with the City of Lynchburg for any reason.

4. Funeral Leave

Funeral leave is paid time off granted to employees upon the death of a member of an employee's immediate family for the purpose of attending services, handling the affairs of the deceased or similar needs. For funeral leave, immediate family is defined as the employee's spouse, parent, spouse's parents, child, brother, sister, grandparent, grandchild, brother or sister in law, son or daughter in law, person for whom the employee is the legal guardian, and equivalent step-relations.

- a.** Upon request, the Department Director shall grant funeral leave for a period not to exceed three consecutive working days (up to a total of 24 hours depending upon regular work schedule or 33.6 hours for Fire/EMS employees assigned to 24-hour shifts), or five consecutive working days in the event that the deceased resided in the same household as the employee (up to a total of 40 hours depending upon regular work schedule or 56 hours for Fire/EMS employees assigned to 24-hour shifts). In the event of multiple deaths in the employee's immediate family, each death will be treated separately and funeral leave will be granted accordingly.
- b.** If more than the allotted number of days leave is requested or if leave is desired for a death other than the immediate family, time off may be granted at the discretion of the employee's supervisor and charged to other appropriate paid time off.

5. Hybrid Leave: Full-time employees covered by the VRS Hybrid Plan earn Hybrid paid time off (PTO). Hybrid PTO is paid leave used for many different purposes such as vacation, during an employee or family members' illness or injury and or personal pursuits and is earned according to the following schedule:

- a.** Eight hours of Hybrid PTO is awarded the time of hire and at the beginning of each subsequent calendar year and the remainder is accrued on a monthly basis according to the following chart.

Months of Service	Initial PTO Award	PTO Hours Accrued Per Month	Total Annual PTO Hours	Maximum Hours Carry-Over	Maximum Hours Pay-Out
1-36	8	10	128	192	128
37-60	8	12	152	228	152
61-120	8	14	176	264	176
120-180	8	16	200	300	200
181-240	8	18	224	336	224
241+	8	20	248	372	248

- b. Total creditable service for full-time PTO accrual purposes shall be computed from the date of appointment or conversion to an eligible full-time position.
- c. Employees receiving Short Term Disability (STD) under VLDP benefits do not accrue PTO while receiving STD payments.

B. Part-Time Paid Time Off Benefits (PTO): Employees in Part-Time positions are typically only paid for actual hours worked. However, employees holding Part-Time positions that are budgeted for an average of 24 hours per week (.6 FTE) or more are granted 40 hours of paid time off per calendar year.

- 1. Part-Time PTO may be used, with supervisor approval, for any absence at the employee's discretion.
- 2. Unused Part-Time PTO does not carry forward into the next calendar year.
- 3. Unused Part -Time PTO is not paid out upon separation.
- 4. Newly hired employees receive prorated Part-Time PTO at the time of hire based on the quarter in which they are hired, i.e. Q1, 40 hours, Q2, 30 hours, Q3, 20 hours and Q4, if prior to November 1, 10 hours. 40 hours of PTO is awarded on each subsequent January 1.

Note: A previous paid time off program for Grandfathered Part-Time employees is not available to new employees. The explanation of the Grandfathered PTO program is included in the Chapter 5 Appendix at the end of this Chapter.

C. Paid Holiday Leave is provided to all full-time employees in addition to other paid time off.

- 1. The City of Lynchburg observes the following paid holidays:

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day
Presidents' Day	Friday after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day

2. When the actual holiday falls on Saturday the Friday before the actual day shall be observed as the holiday. When the actual holiday falls on Sunday the Monday after the actual day shall be observed as the holiday. Occasionally, Christmas and Christmas Eve will fall such that the observation will not follow the normal pattern, in which case the appropriate two-day observance will be determined and publicized in advance. City Council may declare other days to be designated as City holidays.
3. Employees who work in operations that must be continuously maintained regardless of holidays shall use the actual calendar holiday instead of the observed holiday for employees that are required to work on the actual holiday. For example, when December 25 (Christmas Day) falls on a Sunday, Monday, December 26 is the observed holiday for most employees. In this situation, December 25 is the actual calendar holiday and would be used as the holiday for designated personnel.
4. Full-time employees who actually work, or who are in an approved paid leave status, on the last working day before the holiday and the first working day after the holiday shall be paid their normal straight time rate on the holiday as if they had worked their normally-scheduled shift.
5. When an employee is required to work on a holiday, Holiday Leave accrues at a rate of one hour for each hour actually worked during the regular work shift up to 8 hours per holiday: 11.2 hours in the case of Fire/EMS personnel assigned to 24-hour shifts. At the department's discretion, an employee may be paid for these hours at the time they are earned, at their normal straight time rate, or the hours may be used to take time off on another day. Each employee may carry up to 80, 112 hours in the case of Fire/EMS personnel assigned to 24-hour shifts, hours of Holiday Leave into a new calendar year. Any hours in excess of 80, 112 hours in the case of Fire/EMS personnel assigned to 24-hour shifts, at the end of the calendar year shall be paid at the employee's normal straight time rate.
6. Alternate Holiday Leave procedures may apply, as required by business need, to work groups who are normally scheduled to work holidays as a part of their regular work shift. In such cases, written procedures must be approved in advance by the Director of Human Resources.

III. Other Absences with Pay

A. Work-Related Injury Leave

1. An employee who sustains an on-the-job injury or contracts an occupationally related disease which incapacitates him or her from performing his or her

duties may be granted paid leave for the normally scheduled work days within seven calendar days following an on-the-job injury or illness that prevents the employee from working.

2. Such time off without loss of pay or charge to personal leave shall end at the close of business on the 7th calendar day. The absence may be covered by workers' compensation if the employee is unable to work after seven calendar days. (Please refer to the Workers' Compensation policies in Chapter Four, "Benefits" for more information.)

B. Military Leave

1. Military Leave is an employee's approved absence from work due to the performance of military duty on a commission or non-commission status, on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, funeral honors duty by National Guard or reserve members, or for an examination to determine a person's fitness for any of the above forms of duty.
2. Employees shall notify their supervisor immediately when they learn of an upcoming need for military leave, and shall provide a copy of the official military orders as soon as possible.
3. In accordance with State law, paid leaves of absence for federally funded military duty, to include training duty, shall not exceed 15 work days per federal fiscal year (October 1 – September 30), except that no officers or employees shall receive paid leave for more than 15 work days per federally funded tour of active military duty. Employees called to military duty may use accrued paid time off at their discretion and are not bound by the usual City policy that requires use of all appropriate paid leave prior to approved for "leave without pay."
4. For the purposes of paid military leave, a "workday" is defined as 1/260 of the total working hours an employee would be scheduled to work during an entire federal fiscal year. For full-time employees, 15 "workdays" equals 120 hours per year; fire personnel assigned to a 24-hour shift are eligible for 168 hours per year. Weekends are included to the extent that they are part of an employee's regularly scheduled work time. Whenever possible employees shall try to schedule their military leave at those times that have the least impact on the departments' service delivery needs.
5. Employees may take other appropriate paid leave when paid Military Leave is exhausted, at the employee's discretion.
6. An employee whose absence does not exceed five years and is released from service under honorable conditions is eligible for reemployment rights and

employment benefits as described under the “Uniformed Services Employment and Reemployment Rights Act of 1994.”

- C. Court Service:** An employee who is required to perform jury duty or is subpoenaed to appear in court outside his or her regular duties, except for the reasons included in item 2 below, shall be granted sufficient paid time off to perform such duties. When an employee is summoned to serve as a juror, subpoenaed as a witness or party in relation to the performance of his/her job or is involved as a witness to a crime, such time will qualify as “court service”.
1. **Court Service Procedures:** An employee who is required to be absent from work because he or she has been summoned as a juror or subpoenaed as a witness must provide his/her supervisor with a copy of the summons or subpoena as soon as it is received. Upon returning to work after any absence for jury duty, the employee must provide the supervisor with a certificate from the clerk of court that verifies the service.
 2. **Absences Due to Other Court Appearances:** Employees must charge absences due to court appearances that are outside of the areas outlined above, or due to an employee’s personal business involving court appearances, to appropriate paid leave i.e. annual leave, personal leave or compensatory time. Some examples of situations which do not qualify as paid court service leave are:
 - a. child support cases;
 - b. divorce proceedings;
 - c. automobile accidents which occur off the job;
 - d. civil court summons for non job related civil action;
 - e. employee charged with violating the law unrelated to their job.
 3. **Department Directors, in conjunction with the Human Resources Department, will determine the applicability of court service leave.**
- D. Administrative Leave with Pay**
At the discretion of a Department Director, an employee may be granted paid time off for a variety of purposes such as employee recognition or reward, visiting other city offices for work-related assistance, counseling or training, pending the results of official investigations, pending disciplinary action, or other circumstances where the Department Director determines that the employee’s absence from work is in the best interest of the City. Decisions to extend administrative leave with pay for more than 15 work days shall be coordinated with the Director of Human Resources and shall be documented in the employee’s official personnel file.

IV. Family and Medical Leave Act (FMLA)

In accordance with the provisions of the Family and Medical Leave Act (FMLA), as amended, eligible employees are entitled to take up to 12 weeks of paid or unpaid, job-protected leave during any 12 month period for specified family and medical reasons. Employees and supervisors shall engage in interactive discussions about the need for FMLA, to coordinate absences, and related matters. In some cases, other employment laws such as the American with Disabilities Act and the Virginia Local Disability Program may work with the FMLA to impact the duration of job protected leave available to an employee.

A. Qualifying FMLA Events

1. The birth of the employee's child or the placement of a child with the employee for adoption or foster care; or
2. To care for an immediate family member (spouse, child or parent) with a serious health condition; or
3. To take medical leave when the employee is unable to work because of a serious health condition; or
4. Because of any qualifying exigency as defined below and in applicable Federal regulations arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty in the National Guard or Reserves in support of a contingency operation; or
5. To care for a military family member injured in the line of duty (Note: see section N "Military Caregiver FMLA Leave" below for specific guidelines.)

B. Serious Health Condition - an illness, injury, impairment or physical or mental condition that involved either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents an employee from performing the functions of the employee's job or prevents an employee's qualified family member from participating in school or other daily activities.

C. Qualifying exigencies

1. Short-notice deployment;
2. Military events and related activities;
3. Childcare and school activities;
4. Financial and legal arrangements;

5. Counseling;
 6. Rest and recuperation;
 7. Post-deployment activities within 90 days of termination of active duty; and
 8. Additional activities agreed to by the City and the employee.
- D. Employee Eligibility:** An employee is eligible for FMLA leave when:
1. The employee has worked for at least 12 months for the City. The twelve months need not have been consecutive so long as no break in service exceeds seven years. (If the employee was on the payroll for part of a week, the City will count the entire week. The City considers 52 weeks to be equal to twelve months.)
 2. The employee has worked for the City at least 1,250 hours over the previous 12 months before the leave would begin, not including paid or unpaid leave.
 3. When both spouses are employed by the City, they are jointly entitled to a combined total of 12 work weeks of family leave for the following events:
 - a. The birth or placement with the employee of a child for adoption or foster care
 - b. To care for a parent who has a serious health condition.
 4. In some cases, an employee who does not meet the eligibility criteria for FMLA may be entitled to paid time off as an accommodation for a qualifying disability (see Section V, ADA, below).
- E. Calculation of Leave:** Eligible employees can use up to 12 weeks of the leave described above during any 12 month period. The City will use a rolling 12 month period measured backward from the date an employee uses FMLA leave. Each time an employee uses leave, the City computes the amount of leave the employee has taken under this policy, subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five weeks of leave in the past 12 months, he or she has an additional seven weeks available under this policy.
- Note that the FMLA also entitles eligible employees to take time off for “Military Caregiver Leave.” The amount of time available for Military Caregiver Leave and the method by which such leave is calculated is described in Section N below.
- F. Use of Paid Time Off:** Paid time off must be used concurrently with FMLA. If an employee has accrued paid time off of less than 12 weeks, the employee must use appropriate paid leave first and take the remainder of the twelve weeks as Family Medical Leave without Pay.

- G. Maintenance of Benefits:** Employees on unpaid FMLA leave will continue to receive, if eligible, health, dental, vision, and life insurance benefits up to the maximum 12 workweeks allowed. These benefits will continue on the same basis as an active employee during the 12 week period.
1. While on unpaid FMLA the employee must make arrangements to pay applicable member shares of health, dental and vision costs. Those on unpaid leave must also make arrangements to continue other deductions, such as optional life insurance premiums and deferred compensation.
 2. If the employee informs the City that he/she does not intend to return to work at the end of the leave period, the employee's rights to any health care benefits will continue to the extent provided for by the then current health care plan provided by the City for its employees.
 3. If the employee chooses not to return to work for reasons other than a continued serious health condition, the City may require the employee to reimburse the amount the City contributed towards the employee health coverage during the leave period.
 4. Paid time off will not accrue during the leave period if the employee is in an unpaid status. The use of family or medical leave will not be considered a break in service for vesting or benefits program purposes.
- H. Job Restoration:** An employee who uses family or medical leave under this policy will be restored to the same job or a job with equivalent status, pay, benefits and other employment terms in accordance with the situation at the start of FMLA. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, use of FMLA will not alter employment decisions, such as disciplinary action or reassignment, made prior to the start of the leave.
- I. Intermittent Leave and Reduced Work Schedules:** In certain cases, intermittent use of the 12 weeks of family or medical leave or a reduced work schedule may be allowed by the City. The employee may request intermittent leave or reduced work schedule for their own serious health condition or to care for a seriously ill family member, where the need for leave is foreseeable and based on planned medical treatment. Employees are responsible for meeting with their supervisor and scheduling treatments so they do not unduly disrupt the City's operations. In some cases the City may temporarily transfer an employee who is using intermittent leave or a reduced work schedule to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced work schedule.

J. Procedures for Requesting Leave

Employees requesting leave under this policy must provide 30 days advance notice to his/her supervisor if the need for FMLA leave is foreseeable, such as in the case of the expected birth, adoption or foster care placement of a child, or planned medical treatment for a serious health condition of the employee or a family member. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations. If the need for FMLA leave is not foreseeable, employees must notify the City of the need for leave as soon as possible, ordinarily within one or two business days. An employee's failure to give timely notice could delay his eligibility for FMLA leave and/or mean approval of leave would not be granted.

K. Regardless of whether an employee requests FMLA leave, the City normally designates leave as FMLA leave as soon as it becomes apparent that the employee is out of work for a reason that meets the requirements of the law. Typically, an absence will be designated FMLA leave when the employee has been or is anticipated to be absent for 5 or more work days, or their equivalent, due to a qualifying situation.

L. Upon receiving an employee's request for leave (or upon learning of a need for leave that appears to meet the requirements of the law), the City will provide the employee a Notice of Eligibility and Rights and Responsibilities. The employee must submit an appropriate certification form as noted below:

1. An employee requesting (or determined to need) leave because he/she is unable to work due to a serious health condition must provide, at his or her own expense, a complete and sufficient Certification of Health Care Provider for Employee's Serious Health Condition.
2. An employee requesting (or determined to need) leave to care for an immediate family member with a serious health condition must provide, at his or her own expense, a complete and sufficient Certification of Health Care Provider for Family Member's Serious Health Condition
3. An employee requesting leave because of a qualifying exigency must submit a complete and sufficient Certification of Qualification Exigency for Military Family leave.
4. The required certification must be provided within 15 calendar days, unless the employee provides a reasonable explanation for the delay. If the employee fails to provide complete and sufficient certification, the City may deny the request for FMLA leave and possibly the request for paid time off. Management, other than the employee's first line supervisor, may request clarification or additional information from the medical provider regarding the medical certification.

5. After the City has received the required notice and certification, it will inform the employee within 5 business days whether the leave will be designated FMLA leave. The employee will receive a Designation Notice indicating the amount of leave that will be counted against the employee's FMLA entitlement, if determinable at that time.
6. Departments will maintain appropriate information including the dates that each employee has taken FMLA leave; the number of hours of FMLA leave taken by each employee if leave is granted in increments smaller than a day; and records of any disputes between the employer and any employee over the designation of leave as FMLA leave. To track FMLA leave hours, payroll clerks will use the appropriate hours' codes when processing payroll to have the leave designated as FMLA leave.
7. Copies of the written notice and certification, and designation, along with all medical information, will be sent to the Human Resources Department.

M. Employee Responsibilities

1. While on FMLA leave, employees are required to keep their supervisor informed regarding their status and their intent to return to work. A recertification of the medical necessity for FMLA may be requested every thirty days or when circumstances change significantly.
2. Employees are required to give at least two business days' notice if their anticipated date of return to work changes.
3. Employees may be required to provide a Fitness for Duty certification from their medical professional prior to their return to work. Notice of this requirement will be given to employees with the Designation Notice.

N. Military Caregiver FMLA Leave

1. An eligible employee (see Paragraph D) who is the spouse, son, daughter, parent or next of kin of a covered service member or qualifying veteran may take up to 26 weeks of leave in a 12 month period to care for such service member or qualifying veteran with a serious injury or illness incurred in the line of duty on active duty for which the covered service member or qualified veteran is undergoing medical treatment – either inpatient or outpatient – or is otherwise in outpatient status or on the temporary disability retired list. Such leave is designated "Military Caregiver Leave."
2. Leave is permitted to care for current members of the Regular Armed Forces, National Guard, Reserves, veterans having left active service within the previous five years and those on the temporary disability retired list.

3. The service member or qualified veteran must have a serious injury or illness incurred in the line of duty, as determined by the U S Department of Defense, that may render him/her medically unfit to perform the roles of his office, grade, rank, or rating and for which he/she is undergoing medical treatment, recuperation, therapy or outpatient treatment.
4. In order to care for a covered service member or qualified veteran, an eligible employee must be the spouse, parent, son or daughter or next of kin of the covered service member or qualified veteran. "Next of kin" is defined as the covered service member's or qualified veteran's nearest blood relative – other than the service member's or qualified veteran's spouse, parent, son or daughter – in this order of priority:
 - a. Blood relatives who have been granted legal custody;
 - b. Brothers and sisters;
 - c. Grandparents;
 - d. Aunts and uncles;
 - e. First cousins;
 - f. Another blood relative designated in writing by the service member or qualified veteran as his or her next of kin.
5. Employees eligible for Military Caregiver leave may use up to 26 weeks of leave during a single 12 month period. The 12-month period begins on the first day the employee takes leave for this purpose and ends 12 months thereafter.
6. Policies regarding Maintenance of Benefits, Job Restoration, Use of Paid and Unpaid Leave, and Intermittent Leave and Reduced Work Schedules are the same as other FMLA leave. See paragraphs G, H, I above.
7. As with other FMLA leave, employees must provide 30 days advanced notice if the need for Military Caregiver leave is foreseeable. If the need is not foreseeable, employees must notify their supervisor of the need for leave as soon as possible.
8. Upon receiving the employee's request for leave, the City will provide the employee with a Notice of Eligibility and Rights and Responsibilities Form.
9. An employee requesting Military Caregiver leave must submit a complete and sufficient Certification for Serious Injury or Illness Leave of Covered Service member or qualified veteran. The required certification must be provided within 15 calendar days, or the employee must provide a reasonable explanation for the delay. If the employee fails to provide complete and sufficient certification, the City

may deny the request for Military Caregiver leave and possibly the request for paid leave for the time off.

10. After the City has received the required notice and certification, it will inform the employee within five business days whether the leave will be designated Military Caregiver leave. The employee will receive a Designation Notice indicating the amount of leave that will be counted against the employee's FMLA entitlement, if determinable at that time.
11. Employees have the same responsibilities under Military Caregiver leave as they do under other FMLA leave. They are required to keep their supervisor informed regarding their status and their intent to return to work and they are required to give at least two business days' notice if their anticipated date of return to work changes.

V. Leave Donation Program

- A. The City of Lynchburg supports the sharing of accrued paid leave through a voluntary Leave Bank program that allows members to donate and request paid leave. Leave donation may provide access to paid leave for eligible employees unable to work due to an unexpected personal or family illness, injury or catastrophic situation.
- B. City of Lynchburg employees covered by VRS Plan 1 and Plan 2 may participate in the Leave Donation Program.
- C. General Guidelines:
 1. The Leave Bank program provides a means for employees to help coworkers and their families alleviate the financial hardship that may be brought about by unforeseen illness or injury of significant duration.
 2. Donated leave may be used to cover absences due to unforeseen personal and family member medical emergencies of a serious and unplanned nature that are expected to last more than three consecutive working days after all accrued paid leave is exhausted.
 3. A serious health condition is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider that causes the employee to be absent from work for more than a few days.
 4. Normally, 24 hours of unpaid leave is required prior to receiving donated leave.

5. The program is not intended to assist employees with absences due to routine medical problems, treatments or procedures not medically necessary and/or predictable medical events.
 6. Participation in the Leave Bank as a donor or as a recipient is completely voluntary and is subject to Department Director approval.
 7. Eligible employees may donate annual leave and/or compensatory time to the Leave Bank.
 8. All donations and receipt of paid leave must be in one hour increments.
- D.** Membership in the Leave Bank entitles an employee to apply for donated leave.
- E.** The City Manager will appoint no more than 5 employees to the Leave Bank Board. The activities of the Leave Bank Board shall be coordinated by the Director of Human Resources.
- F.** Decisions regarding requests for donated leave as well as management of the program are the responsibility of the Leave Bank Board.
- G.** Decisions of the Leave Bank Board are not grievable.
- H.** Membership/Donation to the Leave Bank:
1. Leave Bank membership is available to employees in VRS Plan 1 and Plan 2 and entitles those employees to both donate and request paid leave in accordance with the provisions of this policy. Eligible employees may enroll in the Leave Bank at the beginning of any pay period by completing the “Request for Membership” form and sending it to the Human Resources Department. By signing and submitting this form, the employee understands and agrees to the following:
 2. Membership in the Leave Bank does not guarantee that requested paid leave from the Bank will be approved.
 3. Initial enrollment may take place at the beginning of any pay period.
 4. An employee must initially donate at least eight hours of annual leave or compensatory time to join the program. Thereafter, eight hours must be donated annually to maintain membership. Depending on the balance of hours in the bank, a donation “holiday” may be announced during which no annual donation is required to maintain membership.

5. Once an employee is enrolled, he/she may donate additional paid leave at the beginning of any pay period. However, leave donation may not exceed 50% of an employee's total paid leave including sick, annual, compensatory time, personal or banked holiday leave balance nor reduce the employee's total paid leave balance below 40 hours.
 6. Leave donated to the Leave Bank becomes the property of the Bank and will not be returned to the employee upon termination of membership from the Bank for any reason, termination of employment, or upon dissolution of the Bank.
 7. A member who resigns from the Leave Bank, or whose membership is terminated for failure to meet requirements must meet all requirements for membership, including the donation of 16 hours of appropriate leave and having a minimum balance of 40 hours of total paid leave to rejoin.
- I. Guidelines for requesting and receiving donated leave:
1. Active members of the Leave Bank may request donated leave anytime 30 days or more after enrollment by completing and submitting a request for donated leave.
 2. Requests may be submitted when all paid leave is exhausted or is expected to be exhausted and additional time off is needed for an eligible absence.
 3. A maximum of 240 hours of donated leave may be granted per request.
 4. To be considered, the request for donated leave must include medical certification from an attending medical provider identifying the medical problem and the estimated period of incapacity, including any restrictions.
 5. The request must include a recommendation for approval from the Department Director. Directors are encouraged to seriously consider the following factors:
 - a. Prior leave record;
 - b. Work performance;
 - c. Length of service;
 - d. Length of membership in Leave Donation Program;
 - e. The need to hire temporary employees to maintain operations;
 - f. Nature of the illness, injury or situation.
 6. The completed and endorsed request shall be submitted to the Human Resources Department.

7. All paid leave and 24 hours of unpaid leave must be exhausted before a member can use approved donated leave. A member granted donated leave shall not be credited with donated leave in excess of the period of approved absence.
 8. Absences due to procedures or treatments not medically necessary such as face-lifts, due to routine medical problems such as ongoing treatment for a chronic illness, predictable medical events such as the normal recovery period following childbirth, or absences that are a bridge to retirement are not eligible for donated leave.
 9. Members must provide reasonable, written assurance that they intend to return to work.
 10. On-going paid leave is funded through the assigned department of the member receiving donated leave.
- J. Approval Authority: Decisions to grant leave under this policy rest with the Leave Bank Board. The Board will be assisted by the Director of Human Resources, or designee, and will include up to five members appointed by the City Manager. The Board's decision is final and is not a grievable action.

VI. Absences Without Pay

A. Leave Without Pay:

1. Leave without pay (LWOP) is an approved leave status that may be granted to an employee when he or she has exhausted all appropriate paid leave to cover an approved absence. The granting of LWOP shall be at the Department Director's discretion, except in the case of Family Medical Leave and Military Leave as described elsewhere in this policy.
2. Leave without pay may also be used to document a disciplinary suspension from duty and pay.
3. An employee in a LWOP status for 30 days or more is not eligible to use funeral, personal, holiday leave or any other form of paid leave during the LWOP.
4. Employees on LWOP must make arrangements to pay both the City's and the employee's portion of medical, dental and vision costs that would normally be paid through payroll deduction.
5. An employee in a LWOP status for 30 days or more does not earn VRS service credit. The individual may purchase the lost service from VRS if military commitments, educational leave or personal illness necessitated the leave without pay.

6. The City currently pays group life insurance premiums for an employee on LWOP for military commitments, educational leave or an illness for a period of two months. After two months the employee may continue the coverage by paying the appropriate premiums. Life insurance coverage may be continued for no more than 24 months.

B. Unauthorized Absence:

1. Any absence from the job during a scheduled work period when the employee has not received prior approval for the absence from his/her supervisor or Department Director will be considered an unauthorized absence. Employees will not be paid for unauthorized absences. In addition, the employee is subject to disciplinary action up to and including dismissal.
2. An employee in an unauthorized absence status who fails to contact his or her supervisor for three consecutive workdays shall be deemed to have abandoned his or her position and to have voluntarily resigned.
3. When emergency conditions exist during a period other than the normal work period (for example, before or after the normal work shift) and the emergency has been communicated to employees, any employee who leaves the work site or fails to return to the work site without the approval of his or her supervisor or Department Director shall be in an unauthorized absence status.



5

Paid Time Off and Other Absences—Appendix

Grandfathered Part-time Paid Time Off Benefits

Employees holding part-time positions may be eligible for Grandfathered PTO depending upon the date of hire and total budgeted hours. This benefit is not available to new employees.

- A.** Grandfathered Paid Time Off (GPTO) provides generic leave to part-time employees hired prior to 2011 and may be used to cover all absences except those due to work-related injury, Military Service and Court Service.
1. Employees eligible for GPTO may have access to two types of leave banks:
 - GPTO, which may be used for absences due to vacation, holiday, bereavement of up to three days, or illness/injury normally of less than a full work week.
 - Catastrophic Leave (CAT), which may be used for absences due to illness/injury of more than one full work week or for those situations that meet the Family & Medical Leave definition and for bereavement when the deceased resided in the same household as the employee.
 2. Employees earn GPTO on a monthly basis. Accrual rates are prorated based on annual budgeted hours according to the chart below. Accrual rates do not change with additional years of service.
 3. At the end of the calendar year, hours above the GPTO maximum carryover will be added to the CAT Bank.
 4. Maximum carryover amounts for both the GPTO Bank and the CAT Bank are prorated based on annual budgeted hours for the position (see below). Maximum payout amounts for the GPTO Bank are also prorated based on annual budgeted hours for the position (see next page). There is no payout for CAT balances at any time.

GPTO Accrual Rates and Maximums					
<i>Annual Budgeted Hours</i>	<i>FTE</i>	<i>Average Weekly Hours</i>	<i>Monthly Accrual Hours</i>	<i>Maximum Carry-Over</i>	<i>Maximum Payout</i>
1820 – 2079	.875 - .999	35 – 39	17.5	294	147
1560 – 1819	.750 - .874	30 – 34	15	252	126
1300 – 1559	.625 - .749	25 – 29	12.5	210	105
1040 – 1299	.500 - .624	20 – 24	10	168	84
780 – 1039	.375 - .499	15 – 19	7.5	126	63
520 – 779	.250 - .374	10 – 14	5	84	42
0 – 519	0 - .249	0 – 9	2.5	42	21

CATASTROPHIC LEAVE BANK (CAT) Maximums			
<i>Annual Budgeted Hours</i>	<i>FTE</i>	<i>Average Weekly Hours</i>	<i>Maximum Carry-Over</i>
1820 – 2079	.875 - .999	35 – 39	420
1560 – 1819	.750 - .874	30 – 34	360
1300 – 1559	.625 - .749	25 – 29	300
1040 – 1299	.500 - .624	20 – 24	240
780 – 1039	.375 - .499	15 – 19	180
520 – 779	.250 - .374	10 – 14	120
0 – 519	0 - .249	0 – 9	60

6 Engaging and Developing Employees

The City of Lynchburg strives to engage the workforce so that employees are actively involved with, committed to, and satisfied with their work. Employee engagement helps recruit and retain a qualified, service-oriented workforce and supports efficient and effective service delivery to citizens. Contributors to employee engagement include Performance Management, Employee Involvement, Workforce Development and Organizational Investment.

I. Performance Management

Performance management, through formal and informal coaching, feedback and evaluation, contributes to positive results and employee engagement. Performance management is a process of identifying, evaluating and further developing employee performance, so that City Council's goals and objectives are achieved. At the same time, effective performance feedback promotes employees' job satisfaction and morale by establishing expectations, demonstrating management's interest in their progress and development and providing regular feedback.

Performance feedback is most effective when provided on an ongoing basis to reinforce good performance and to provide constructive feedback to improve performance. Formal, written performance feedback and appraisal shall be completed at least annually using the City's general performance feedback tools or by using an approved alternate tool as described below.

While performance management is a participatory process, supervisors are responsible for ensuring timely completion of the feedback process. This policy and the performance feedback tools create the foundation for consistent, equitable application of performance management by all departments, divisions and work groups within the City.

A. Objectives of Performance Management

The primary objectives of the performance management system are:

1. To identify the organization's expectations of employees, to communicate the expectations and to establish accountability for meeting expectations;
2. To provide the feedback needed to help employees achieve service delivery objectives;

3. To help employees improve in their current jobs;
4. To help employees develop the knowledge, skills and abilities to be competitive for higher level positions;
5. To recognize overall work performance by employees.

B. Performance Feedback

Successful performance feedback relies on an effective partnership between employees and supervisors, strong working relationships and a clear understanding of the expectations of each job. Effective performance feedback will:

1. Be job oriented, providing an evaluation of performance against specific standards, goals and objectives that are related to realistic workplace practices;
2. Promote employees' job satisfaction and morale by letting them know that supervisors are interested in their progress and development as well as providing regular feedback;
3. Provide meaningful information to employees so that employees clearly understand the job functions in which they are meeting or exceeding expectations as well as those they may need to improve;
4. Be consistent and equitable across the organization;
5. Provide a reasonable, objective assessment of sustained performance;
6. Include goals that are specific, measurable, achievable, realistic and timely (SMART).

C. Performance Feedback Summary

The formal performance review summarizes the feedback provided throughout the fiscal year. It is based on comparing employee results and action to City values, overall competencies and the specific tasks and expectations of the employee's job. The following procedures will be used to complete a formal, annual summary of performance feedback:

1. A formal, written summary and a face-to-face performance discussion shall be completed at least annually. Frequent discussion and feedback are encouraged.
2. Supervisors and employees must become familiar with the feedback tool including City valued behaviors, relevant core competencies and job specific responsibilities.

3. Supervisors must ensure timely completion of performance feedback summaries.
 4. The employee's immediate supervisor shall complete the feedback summary and, at the discretion of the Department Director, coordinate with a second level supervisor or other manager prior to meeting with the employee.
 5. Located on the City's website, the standard feedback tool shall be used for the required annual summary of performance feedback, unless an alternate tool has been reviewed by Human Resources and approved by the City Manager in advance.
 6. A copy of the completed feedback summary or results of an alternate tool shall be forwarded to Human Resources for inclusion in the official personnel file.
 7. Specific instructions for using the feedback summary tool are included with the tool.
 8. It is recommended that the employee complete a self-evaluation and share the result with his/her supervisor in advance. While the supervisor is responsible for rating decisions, the employee's perspective as well as that of the supervisor shall be discussed during the face-to-face meeting.
- D.** When an employee's performance deteriorates to an unacceptable level that could lead to serious consequences such as reassignment, demotion or dismissal, he or she must be given a reasonable opportunity to improve his or her performance to an acceptable level. Action may be taken at any time during the rating period if the supervisor determines an employee's performance to be below an acceptable level. In these situations the employee must be notified of the following:
1. The specific job requirements or performance expectations the employee is failing to perform at an acceptable level.
 2. The employee actions required to bring the performance to an acceptable level.
 3. Management actions that will help the employee improve, including providing additional training, regular, face-to-face feedback and written guidance.
 4. A schedule of face-to-face meetings between the employee and the supervisor to share interim feedback and progress toward acceptable performance.
 5. A date by which the employee must raise his/her performance to an acceptable level.
 6. The consequences of failing to improve performance to an acceptable level such as reassignment, demotion or dismissal.

E. Deferral of Performance Feedback Summary

An annual feedback summary may be deferred in cases where an employee has been absent from work for an extended period of time and the supervisor has not had sufficient opportunity to observe performance. Such deferral shall not exceed the total time of the employee's absence from regularly assigned duties and shall be documented by the Department Director in a memorandum to the Director of Human Resources with a copy provided to the employee.

F. Alternate Performance Management Tools

Department Directors, working in conjunction with the Director of Human Resources, may propose alternate performance management tools for all or some employees in their departments when there is a compelling business need to do so and such alternate tools meet the objectives of the City-wide system. Such tools must be reviewed and approved by the City Manager prior to implementation and must ensure that the alternate coordinates with other elements of the human resources program such as job descriptions, pay systems and reward programs. A copy of approved alternate tools shall be maintained in the Human Resources Department and shall be reviewed periodically by the appropriate Department Director.

II. Workforce Development

- A. The City supports on-going employee learning and development activities that provide opportunities for employees to grow personally and professionally. Guided by a Personal Development Plan, employees are encouraged to participate in an array of experiences that change behavior, enable employees to meet the organization's current and future needs and improve employee job satisfaction. The Human Resources Department develops and/or presents a variety of training opportunities that enhance employee development.
- B. The following operating principles are used as primary guidance in developing and maintaining training and workforce development systems:
 1. Establishes and relies on partnerships between management and employees for responsible, relevant learning;
 2. Relies on participatory development methodology using the skills and competencies of all employees to develop curricula, workshops, and classes;
 3. Closes gaps between employee skill level and the employee's ability to effectively deliver services;
 4. Supports attainment of employees' individual goals;

5. Identifies the return on investment for employees and the organization;
 6. Integrates learning experiences with day-to-day job responsibilities;
 7. Presents a variety of integrated, developmental learning opportunities for all employees.
- C. Engaging and Developing Great Employees (EDGE) is the City's flagship workforce development system. The following components create a continuum of development that helps employees move forward in concert with developing technical skills unique to their job duties.
1. The "Public Professional Certificate" is achieved when completing the entry level, foundational curriculum in EDGE. All employees complete the curriculum within the first year of employment.
 2. "Groom and Bloom" is the developmental opportunity that offers high potential, non-managerial employees the opportunity to hone their leadership skills and prepare for higher levels of work.
 3. The "Public Leader Certificate" is achieved when an employee with supervisory responsibilities or an aspiring supervisor completes an array of designated learning activities designed to strengthen managerial skills.
 4. "Emerging Leaders" activities are targeted development opportunities that help high potential, high performing employees who are willing to engage become more competitive for higher level City positions and/or external leadership positions.
 5. Other related learning opportunities include external training, professional certification programs, formal education including college and technical schools and professional conferences. At management's discretion, individual service commitments and reimbursement conditions may be established when City funding is provided for related learning opportunities.

III. Employee Involvement

1. Resource Groups provide opportunities for employees to participate in organization-wide groups. A variety of teams, groups and task forces are available to employees based on interests, skills and availability. Membership in groups requires departmental/manager approval and support such as time, back up, etc. Groups such as the Employee Committee, Action for Change (A4C), Wellness Champions, Toastmasters and Operational Excellence Teams are examples of those available to employees.

2. Community Activities provide opportunities for employees to work within the larger Lynchburg community. Opportunities vary and membership in groups requires departmental/manager approval and support. Activities such as United Way, “Canstruction” Leadership Lynchburg, Badges for Baseball and Non-profit Board memberships are examples of those available to employees.

IV. Organization Investments

The City provides tangible support for workforce development efforts through a wide array of programs, events and opportunities.

A. Employee Rewards and Recognition

1. The City acknowledges individual and team behaviors that support the organization’s vision, mission and values through meaningful employee recognition programs. Formal and informal employee recognition is one of the most effective ways to reinforce the City’s customer service value, support its service delivery objectives and retain top performers.
2. The City establishes/supports a variety of means and methods to recognize employee contributions and service to the citizens such as recognition in the employee newsletter, Changing Times, departmental award programs and years of service awards. Other recognition awards programs may be developed, implemented and maintained by City management.
3. Employee Events create camaraderie among the workforce and demonstrate the City’s commitment to supporting employee job satisfaction. Examples of events typically offered are Annual Employee Appreciation, Employee Tailgate, Holiday Reception, Administrative Support Professional’s Day and Take Your Daughter/Son to Work Day.
4. Professional Memberships and Certifications are typically funded by the City to enhance continuous professional involvement and learning.

B. Tuition Assistance

The City of Lynchburg offers the Tuition Assistance Program (TAP) to eligible employees for coursework toward a college degree, professional certification, or developmental training. TAP provides financial assistance for external workforce development and learning that helps maintain a workforce that is capable of meeting the changing needs of departments and the organization.

1. Funding

- a. Funds for the tuition assistance program are determined annually as a part of the budget approval process. Based on approved funding, Human Resources will develop and publish annual payment levels.
- b. Normally, no more than four courses will be funded during one fiscal year.
- c. Employees, eligible for financial assistance from other sources, such as Veteran benefits, grants, scholarships, etc., must include funding from those sources on the application form. Funding from other sources will be applied to total costs before determining the City's maximum tuition assistance award.
- d. Payments for graduate courses may be subject to federal tax withholding in accordance with The Small Business Job Protection Bill of 1996. Employees receiving payments for graduate courses may consult with the Financial Services Payroll Manager to determine the tax implications of such payments.

2. Employee Eligibility

- a. Full-time and Part-time employees who have completed one year of continuous satisfactory service with the City are eligible to request tuition assistance.
- b. An employee who receives a final grade lower than a "C" in undergraduate courses, lower than a "B" in graduate courses, or "Fail" in Pass/Fail courses, certifications or developmental training will not receive funding and will be ineligible for tuition assistance for the semester following the unacceptable grade unless:
 - i. The Human Resources Department determines that the grade resulted from circumstances beyond the employee's control; or
 - ii. The employee received no reimbursement or has reimbursed the City the amount that the City spent on the course.

3. Course Eligibility

- a. Coursework toward a college degree from an accredited college or university, including nontraditional programs such as accelerated courses and accredited correspondence and on-line courses;
- b. Professional and technical certification courses;
- c. Developmental training;
- d. Coursework offered through a Continuing Education Program such as a K-12 Public School System or Community Center does not qualify for tuition assistance.

4. Application Procedures

- a. TAP applications are accepted on a first-come, first-served basis throughout the fiscal year;
- b. Employees may apply for assistance after they have been accepted by the college, or other provider, and completed registration;
- c. Applications must be submitted to Human Resources prior to the start of the course and must include all requested information, including departmental endorsements;
- d. Tuition Assistance application forms are available on the City's Intranet under "On-line Forms" or from the Human Resources Department.

5. Review and Approval

- a. The Human Resources Director or designated staff shall review all TAP applications and make a final decision regarding funding. Applications may be approved, denied or "wait-listed" in the case of insufficient funds at the time of application.
- b. Decision-making guidelines include, but are not limited to:
 - i. value of the program to the organization;
 - ii. relevance to job;
 - iii. funding availability;
 - iv. program completion status;
 - v. length of continuous service;
 - vi. performance level;
 - vii. attendance record;
 - viii. date application was received; and
 - ix. number of applications received.
- c. Applicants receive notification of approval, denial or "wait-listing" by letter or email.
- d. Tuition assistance decisions are not grievable.

6. Methods of Payment: The City of Lynchburg provides two methods of payment for approved assistance:

- a. Tuition “Direct Payment” provides prepayment of approved course costs directly to the educational institution.
 - b. Tuition “Reimbursement” provides reimbursement of approved costs directly to the employee after he or she provides a receipt for payment and evidence of a satisfactory grade for the course as defined above.
- 7. Employee Obligation: When the employee requests and receives tuition assistance, he/she agrees to:
 - a. Attend the class/courses on the employee’s own time, unless prior supervisory approval is obtained.
 - b. Complete the course(s) approved;
 - c. Provide original receipts for approved costs;
 - d. Provide the City with proof of a satisfactory grade for each course approved within 30 days of completing the course;
 - e. Continue to work for the City for one year after completing the course(s);
 - f. Authorize the City to recover through payroll deduction, or other means, all or part of the tuition assistance monies expended if any of the following conditions exist:
 - i. The employee does not provide the City, within 30 working days after completing the course, evidence that he/she received a grade of a “C” or above in undergraduate courses, “B” or above in graduate courses or “Pass” in certifications or developmental training programs;
 - ii. The employee resigns, retires or is dismissed for cause, before fulfilling the obligations of the Tuition Assistance Agreement;
 - iii. The employee drops an approved course for which payment has been made, regardless of reason, without prior approval from the Human Resources Department; or
 - iv. The employee receives duplicate payment for the same course from any other source (scholarship, Pell grant, Veteran’s educational payments, etc.).

6

Engaging and Developing Employees—Appendix

I. City of Lynchburg Performance Feedback

- A.** Performance management is a process of identifying, evaluating and further developing the performance of employees so that City Council's goals and objectives are achieved. At the same time, effective performance feedback promotes employees' job satisfaction and morale by supporting their progress and development as well as providing regular feedback. The attached evaluation instrument is the primary tool used citywide to document performance feedback.
- B.** Overall Purpose: Effective performance management provides a means of identifying what the organization expects of employees, of communicating the expectations to employees and of holding employees accountable for meeting the expectations. The purpose of the performance review process is to complete and share with employees an objective assessment that provides a reasonable judgment of sustained performance.
- C.** Phases: There are four phases of performance management; Planning, Coaching, Reviewing and Rewarding. The phases create a cycle that runs year round. This instrument provides the means to implement the first and third phases - Planning and Reviewing - while providing the basis for Coaching and Rewarding.

 - 1. *Planning* – Jointly identifying performance and developmental goals and gaining the employees' commitment to achieving those expectations.
 - 2. *Coaching* – A continuous cycle of observation, feedback and reflection that is required to ensure the employee is on track to achieve performance expectations.
 - 3. *Reviewing* – Jointly assessing actual performance against expectations to identify strengths to build on and challenges to address in the upcoming year.
 - 4. *Rewarding* – Ensuring that employees receive monetary and non-monetary rewards commensurate with level of performance as resources are available.
- D.** Procedures: The formal performance review is completed by comparing actual employee performance to a set of competencies that include the basic, observable behaviors representing the knowledge, skills and abilities needed to deliver public services. The evaluation of the basic competencies is coupled with a review of the results achieved in the specific responsibilities of the assigned job. Developmental

activities provide the basis for ongoing employee learning and development. The following procedures will be used to complete a formal review of employee performance:

1. Administration

- a. Formal review and a face-to-face performance discussion shall be completed at least annually. Periodic discussions and feedback are encouraged and an informal mid-year review is preferred.
- b. It is strongly recommended that employees complete a self-evaluation and share the result with the supervisor before the supervisor completes the evaluation.
- c. Supervisor and employee familiarity with the appropriate evaluation tool, including the values, core competencies and job requirements, enhances the effectiveness of the discussion.
- d. Supervisors shall ensure that the review process is completed in a timely manner.
- e. The employee's immediate supervisor shall complete the summary and, at the discretion of the Department Director, coordinate with a second level supervisor or other manager prior to meeting with the employee.
- f. The attached instrument shall be used for documenting annual reviews, unless an alternate tool has been approved by the City Manager in advance.
- g. A copy of the feedback summary shall be forwarded to Human Resources for inclusion in the official personnel file.

II. City of Lynchburg Employee Feedback Tool Introduction

Values Statement

We, the employees of the City of Lynchburg, are dedicated, service-oriented individuals working together to serve our community. We act responsibly and with integrity; we value open and honest communication; we respect all individuals. We recognize that our actions and behaviors reflect upon ourselves, our co-workers and the City.

A. The City's Valued Behaviors are the ways employees are expected to treat customers, citizens, and each other; and how they expect to be treated in return.

- 1. Open communication: listens to others, offers suggestions and receives feedback in an open, honest and constructive way;
- 2. Customer-Focus: considers customer needs and delivers professional, polite and respectful service to all internal and external customers;

3. **Personal Responsibility:** monitors self and takes responsibility for actions and decisions and does not blame others;
4. **Integrity:** operates with honesty, respect and the highest ethical and moral principles.

B. The City's Core Employee Competencies are the following fundamental traits, behaviors and actions that are expected of all employees.

1. **Adaptability/Flexibility:** Adjusts to changing priorities and is proactive; accommodates new or changing conditions; adapts to changes in the work environment, frequent changes, delays or unexpected events; manages competing demands; uses an approach or method that best fits the situation.
2. **Professionalism:** Displays personal behavior that reflects positively on the organization and the workforce; demonstrates safe work practices and habits; maintains appearance and personal hygiene appropriate for the job; delivers best effort each day; uses paid time off appropriately; demonstrates good time management and punctuality; maintains appropriate confidentiality.
3. **Teamwork/Getting Along with Others:** Demonstrates positive attitude; actively contributes to the goals and success of the department and work unit by maintaining equitable share of workload; demonstrates willingness to help co-workers, is approachable and friendly; develops and maintains cooperative work relationships; actively seeks solutions that consider all participants' interests; balances personal needs with those of co-workers. Treats co-workers and citizens with respect and demonstrates appreciation for similarities and differences of co-workers and citizens/customers.
4. **Decision-Making/Judgment:** Chooses appropriate course(s) of action; takes into account departmental and City-wide needs; makes decisions in a timely manner; exercises sound and accurate judgment; identifies potential solutions when identifying problems; supports and explains reasons for decisions; includes appropriate stakeholders in decision-making; follows-up as needed.
5. **Continuous Improvement:** Seeks new knowledge and experiences; looks for ways to improve work processes and promote quality service; displays original thinking and creativity; challenges "the way we have always done things"; shares ideas and information in a way that gets others' attention; has an up-to-date Personal Learning Plan.
6. **Use of City Resources:** Uses City resources within employee's control efficiently and effectively; uses and maintains vehicles, equipment, supplies and technology

appropriately. Demonstrates good stewardship of financial resources; does not use work hours or City resources for personal business; fully justifies and is open about the use of City funds.

C. The City's Core Leadership Competencies are the following fundamental traits, behaviors and actions that are expected of all employees with supervisory or managerial responsibilities.

1. **Leading People:** Demonstrates ability to design and implement strategies that maximize employee potential. Inspires, motivates and guides others toward goal accomplishments. Fosters commitment, team spirit, pride and trust. Promotes the resourcefulness of staff in responding to difficult challenges. Manages and resolves conflicts and disagreements in a positive and constructive manner to minimize negative impact. Takes appropriate corrective action as needed to achieve stated goals. Provides employees with recognition, performance feedback and coaching on a regular, consistent basis to develop their skills, encourage growth, and maximize their probability of success. Values cultural diversity and other individual differences in the workforce. Treats others with respect and inspires the trust of others. Makes difficult and sometimes unpopular decisions when the need arises. Models the behavior expected in others.
2. **Building Teams & Effective Communication:** Demonstrates ability to explain, advocate and express facts and ideas in a convincing manner. Involves internal and external stakeholders in problem-solving and effectuating change. Expresses self effectively orally and in writing. Actively listens to others; considers and responds appropriately to the needs, feelings and capabilities of different people in different situations. Gains cooperation from others, internally and externally, to build constructive and supportive relationships and to accomplish goals. Explores opportunities for regional, public-private and/or public-public partnerships. Promotes a productive culture by valuing individuals and their contributions. Approaches each problem with an awareness of the organizational and political environment, recognizing the impact of alternative courses of action.
3. **Business Knowledge:** Demonstrates broad understanding of the business functions of the City and appropriately uses human, legal, financial, fleet, technology and other City resources to achieve the City's mission. Works within approved budget and uses City resources towards the best outcome. Understands and complies with relevant federal, state and local laws, regulations and policies.
4. **Leading Change:** Understands the type of challenge being addressed and whether current solutions/tools are required or completely new ways are needed, and acts accordingly. Demonstrates an understanding of both short-term and long-term City goals and determines how work of unit impacts achievement of these

goals. Communicates goals to workforce, building commitment and overcoming resistance. Generates suggestions for improving work. Willing to change to meet organization needs. Maintains focus and intensity and remains optimistic and persistent, even under adversity. Sets the example in the work unit, and accepts responsibility for own actions. Shows commitment to public service and influences others toward a spirit of service and meaningful contributions to mission accomplishment. Shifts perspective from the big picture to understanding the impact of decisions on those within a department or the City as a whole.

5. Results Driven: Demonstrates ability to make timely and effective decisions and produce results. Prioritizes and plans work activities of self and others to ensure completion in a timely manner and within budget. Uses time efficiently and displays organized work habits. Exhibits sound and accurate judgment. Applies efforts to increase productivity in areas needing the most improvement. Looks for ways to improve work processes and promote quality service. Works effectively with both internal and external customers. Anticipates and meets the needs of customers. Assesses own strengths and weaknesses. Pursues training and developmental opportunities and shares expertise with others. Identifies the results of exercising leadership.

D. Job Responsibilities:

The mutually agreed upon tasks, projects and duties that, when considered together, define the reason that the job exists. Information may be included from the job description, departmental or employee work plan, project assignments or negotiated performance goals.

- E. Personal Development Plan: The written description of an individual employee's personal and professional career plan, including specific goals, activities and expected learning. The Personal Development Plan acts as a roadmap for the employee's on-going learning and development and is not a rated component of the Performance Feedback process.

III. Employee Feedback Tool Instructions

- A. The Employee Feedback tool provides a common method across the organization to summarize the performance feedback and discussions that have occurred between employees and supervisors throughout the year.
- B. The Employee Feedback tool includes alternative versions that support separate feedback for each value, competency and job responsibility, if preferred by the employee or the supervisor.
- C. "Consistently" is defined as most of the time or a very regular demonstration. It is not intended to mean or imply perfection.

- D. Values are measured by whether an employee consistently demonstrates the values or does not. The Values may be considered as a whole or they may be listed and commented on individually by using the alternate feedback tool.
 - 1. Consistent demonstration indicates that most of the time, the employee acted in ways that supported the values.
 - 2. Inconsistent demonstration is not necessarily a complete failure rather, expected standards have not been met and visible improvement is needed.
- E. Core competencies may be considered as a whole using the measures listed or they may be listed and commented on individually by using the alternate feedback tool.
- F. Job responsibilities may be considered as a whole or they may be listed and commented on individually by using the alternate feedback tool. Job responsibilities may include:
 - 1. performance goals negotiated between the supervisor and the employee;
 - 2. essential functions/duties from the job description;
 - 3. project assignments;
 - 4. responsibilities of a departmental work plan that are assigned to the employee;
 - 5. components of a performance improvement plan.
- G. The “Summary Comments” section is designed to be an overall summary of the feedback and is the place to describe the overall value or level of performance that an employee demonstrates. This description might include statements that distinguish the employee as an exemplary performer or describe the criteria for needed improvement.
- H. Employees are encouraged to include their comments to the feedback summary.
- I. Supervisors are expected to have at least one and preferably many face-to-face discussions with each employee about the employees’ Personal Development Plan (PDP). The PDP is not a measure component of the feedback summary. However, the check box verifies that the discussion(s) actually took place.

City of Lynchburg Employee/Supervisor Manager Feedback Summary

Employee Name:	Date:
Employee Number:	<input type="checkbox"/> Interim Feedback
Job Title:	<input type="checkbox"/> Annual Feedback
Department/Division:	Supervisor's Name:

Valued Behaviors
<input type="checkbox"/> Consistently Demonstrates Valued Behaviors <input type="checkbox"/> Does Not Consistently Demonstrate Valued Behaviors Comments and Examples:

Core Competencies
<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement Comments and Examples:

Job Responsibilities (as outlined in the job description, work plan or negotiated performance goals)
<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement Comments and Examples:

Summary Comments (information that summarizes and distinguishes the employee's performance)

☐ Employee and Supervisor engaged in a discussion about personal and professional development

Employee Comments

Signatures below indicate that the employee and supervisor discussed values, core competencies, job responsibilities and developmental goals.

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

City of Lynchburg Employee Feedback Summary – Alternate Form

Employee Name:	Date:
Employee Number:	<input type="checkbox"/> Interim Feedback
Job Title:	<input type="checkbox"/> Annual Feedback
Department/Division:	Supervisor's Name:

Valued Behaviors		
Open Communication	<input type="checkbox"/> Consistently Demonstrates	<input type="checkbox"/> Does Not Consistently Demonstrate
Customer Focus	<input type="checkbox"/> Consistently Demonstrates	<input type="checkbox"/> Does Not Consistently Demonstrate
Personal Responsibility	<input type="checkbox"/> Consistently Demonstrates	<input type="checkbox"/> Does Not Consistently Demonstrate
Integrity	<input type="checkbox"/> Consistently Demonstrates	<input type="checkbox"/> Does Not Consistently Demonstrate
Comments and Examples:		

Core Competencies			
Adaptability/Flexibility	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Professionalism	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Team Work/Getting Along with Others	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Decision-Making/Judgment	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Continuous Improvement	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Use of City Resources	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Comments and Examples:			

Job Responsibilities (as outlined in the job description, work plan or negotiated performance goals)	
1.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement
2.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement
3.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement
4.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement
Comments and Examples:	

Summary Comments (information that summarizes and distinguishes the employee's performance)

☐ Employee and Supervisor engaged in a discussion about personal and professional development

Employee Comments

Signatures below indicate that the employee and supervisor discussed values, core competencies, job responsibilities and developmental goals.

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

City of Lynchburg Supervisor/Manager Feedback Summary – Alternate Form

Employee Name:	Date:
Employee Number:	<input type="checkbox"/> Interim Feedback
Job Title:	<input type="checkbox"/> Annual Feedback
Department/Division:	Supervisor's Name:

Valued Behaviors		
Open Communication	<input type="checkbox"/> Consistently Demonstrates	<input type="checkbox"/> Does Not Consistently Demonstrate
Customer Focus	<input type="checkbox"/> Consistently Demonstrates	<input type="checkbox"/> Does Not Consistently Demonstrate
Personal Responsibility	<input type="checkbox"/> Consistently Demonstrates	<input type="checkbox"/> Does Not Consistently Demonstrate
Integrity	<input type="checkbox"/> Consistently Demonstrates	<input type="checkbox"/> Does Not Consistently Demonstrate
Comments and Examples:		

Core Competencies			
Leading People	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Building Teams and Effective Communication	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Business Knowledge	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Leading Change	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Results Driven	<input type="checkbox"/> Exceeds Expectations	<input type="checkbox"/> Meets Expectations	<input type="checkbox"/> Needs Improvement
Comments and Examples:			

Job Responsibilities (as outlined in the job description, work plan or negotiated performance goals)	
5.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement
6.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement
7.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement
8.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement
9.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement

Job Responsibilities (as outlined in the job description, work plan or negotiated performance goals)	
10.	<input type="checkbox"/> Exceeds Expectations <input type="checkbox"/> Meets Expectations <input type="checkbox"/> Needs Improvement
Comments and Examples:	

Summary Comments (information that summarizes and distinguishes the employee's performance)

☐ Employee and Supervisor engaged in a discussion about personal and professional development

Employee Comments

Signatures below indicate that the employee and supervisor discussed values, core competencies, job responsibilities and developmental goals.

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

7

Workplace Expectations and Procedures

Effective and efficient service to the citizens relies on employees and management working together as City ambassadors. Individual responsibility is critical to maintaining an effective working relationship. The following information complies with State Code and outlines the guidelines for employee behavior and the procedures for addressing problems that might arise. These guidelines also support the City's core values including personal responsibility.

I. "Code of Conduct for Municipal Service to the City of Lynchburg" (adopted by City Council January 22, 1974 and reaffirmed on June 14, 2016)

The City of Lynchburg, through City Council resolution, requires that employees follow a Code of Conduct reflecting the highest ethical standards and promoting public confidence in City government. The Code establishes standards of ethical conduct for employees by setting forth those acts or actions that are incompatible with the best interests of the City. Employees are expected to act and make decisions based on public service principles and the core values to achieve positive results. Ethical public service principles include, and are not limited to:

- Build trust through honesty and transparency;
- Seek no personal gain;
- Treat everyone fairly;
- Build the community through good stewardship.

A. This Code of Conduct is established for all municipal employees, excluding school personnel and members of boards and commissions. This Code shall be operative in all instances covered by its provisions except when superseded by an applicable statutory or charter provision and statutory or charter action is mandatory, or when the application of a statutory or charter provision is discretionary but determined to be more appropriate or desirable.

B. Requirements: The effective operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made through the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

C. Violation of any section of this policy may constitute a cause for disciplinary action up to and including dismissal.

D. Responsibilities of Public Office: Municipal employees are agents of the citizens and are entrusted to pursue the public good at all times. As such, they are bound to uphold the Constitution of the Commonwealth of Virginia and to carry out impartially the laws of the nation, state and municipality and foster respect for all government. They are bound to observe in their official acts the highest ethical standards and to discharge faithfully the duties of their office regardless of personal considerations, recognizing that the public interest must be their primary concern.

E. Dedicated Service: All City of Lynchburg employees are expected to be loyal to the objectives expressed by the electorate through the City Council. Employees shall adhere to the rules of work and performance established as the standard for their positions. Employees shall not exceed their authority, breach the law or ask others to do so, and shall work in full cooperation with other employees unless prohibited from so doing by law or by officially recognized confidentiality concerns.

F. Fair and Equal Treatment

1. No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
2. No employee shall use or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such employee in the conduct of official business.

G. Conflict of Interest

As provided in Title 2.2 of the Code of Virginia (The Virginia Conflict of Interests Act), no employee shall engage in any private financial or other interest which might impact the performance of his/her official duties. Employees are also bound by the additional guidance outlined below:

1. **Incompatible Employment.** No employee shall engage in or accept other employment or render services for private interests when such employment or service is incompatible with the proper discharge of his/her official duties or would impair his/her independent judgment or action in the performance of his/her official duties. With management's approval, employees may engage in other employment that does not interfere with or present a conflict of interest with City employment.
2. **Disclosure of Confidential Information.** No employee shall, without proper authorization, disclose confidential information concerning the property, government, or affairs of the City, which would advance the financial or other special interest of him/her self or others.

3. Gifts and Favors. No employee shall accept any gift or favor, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation, intended to, or which may, influence him/her in the discharge of his/her duties.
4. Representing Private Interests Before City Agencies or Courts. No employee shall represent his/her own or any other private interest before any agency of the City, unless he/she is doing so as a member of a civic organization or is speaking on an issue of general public interest.

H. Political Activity

1. City employees may participate in political activities while they are off duty, out of uniform and not on the premises of their employment with the City.
2. For the purpose of this policy, the term “political activities” includes, but is not limited to: “voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the activities of or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally or other political gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.” (VA State Code Title 15.2-1512.2)
3. The components of this section are designed to promote public trust and confidence in City government by ensuring that it is free of the actual or apparent influence of partisan politics and that employment and advancement in the City are based on meritorious performance rather than political service or affiliation. In addition, it protects every employee’s right to vote and to keep this right free from interference, solicitation or dictation by any fellow employee, supervisor or officer.
4. Every employee is encouraged to vote in every appropriate election. Moreover, except during working hours or when officially representing the City of Lynchburg, any municipal employee is free to express his or her opinion as to candidates or issues and to meet with candidates for office.
5. Employees may be candidates for political office but must resign, or shall be released, from employment with the City upon successful election to political office within the City of Lynchburg or other political office if the responsibilities of that office will interfere with the employee’s ability to perform the duties of his/her City position.

6. Under no circumstances shall an employee engage in political activities while performing the official duties of his/her City position, use any City property or equipment to engage in political activity or to appear as a candidate while dressed in City uniforms or clothing that identifies the individual as a City employee. This prohibition shall not apply to an employee registering to vote or voting.
7. No employee shall use the prestige of his/her position on behalf of any political organization or party. For purposes of this Code of Conduct, a “political organization” shall be defined as “any group, formal or informal, which endorses candidates for elective office at any level of government-national, state or local.”
8. No employee shall use his/her official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment based on political affiliations or political activities.
9. City employees are prohibited from discriminating in the provision of City services or responding to requests for services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.
10. City employees are prohibited from suggesting or implying that the City has officially endorsed a political party, candidate or campaign.

II. Freedom of Information Act (FOIA)

- A. One of the precepts of good government is openness and transparency to constituents. Citizens have a right to information regarding government operations and government employees have a fundamental responsibility to respond to requests for information. Beyond legal requirements, City employees are expected to be ready and willing to help citizens understand what we do and how we do it as we serve the community. This helps build trust with those we serve. City employees are responsible for sharing information about City operations with interested individuals. The starting point is to positively and completely respond to any request for information.
- B. Information will only be withheld for valid, legally allowable or required reasons that are stipulated in the FOIA or other statutes. Citizens and others requesting information or copies of public records are not normally charged for the time and materials that it takes to respond to routine requests for information.
- C. FOIA applies to public records, typically documents, but also to emails, databases, texts, etc.

1. Nothing in the FOIA requires any record to be confidential, but there are some other statutes that require the confidentiality of certain records. Examples of records that a public body must not disclose include: citizens' tax returns, scholastic and medical records, court and probation records involving juveniles, and records of a social service agency containing information about specific clients.
2. There is no requirement to create and produce a public record that doesn't already exist; however, even if the requested information is not in an existing public record, we should try to accommodate any reasonable request for information.
3. If an employee receives a request for a public record for which the employee does not have access, it is that employee's responsibility to connect the requestor to the individual who can provide the record.
4. The City Manager and the City Attorney shall be advised of unusual requests for information that would involve large numbers of records, potentially exempt information, or significant staff time to compile.
5. It is perfectly acceptable to advise a requestor that the record being sought is not immediately available. FOIA allows up to five work days to respond to a request. This allowance should not be used, however, to delay a response if the record is readily available.
6. A request for a public record does not need to be in writing; a verbal request triggers FOIA. If a request is complicated, unclear, or involves multiple records, however, it may be reasonable to ask the requestor to put his or her request in writing.
7. It is allowable to ask a requestor for his or her name and contact information but, there is no requirement that the requestor respond.
8. FOIA does not allow an employee to ask the requestor why he or she wants the records.
9. An individual asking for public records only needs to identify them "with reasonable specificity." Employees will help the requestor to find the information that he or she is seeking.
10. An initial response to a records request must be made within five work days of receipt of the request. These are the acceptable responses:
 - a. Provide the records as requested;
 - b. Advise the requestor that no such records exist, if no records actually exist;

- c. Advise the requestor that the records are being withheld as permitted by FOIA or other applicable statute, and cite the specific section of the state code that exempts the records from disclosure;
 - d. If only part of a requested record is exempt from disclosure, delete the exempt part, make the rest of the record available, and advise the requestor of the subject matter deleted and why;
 - e. Tell the requestor that it is not practically possible to identify or collect the requested records within five working days and explain why. Upon response, an additional seven working days is available to make one of the preceding four responses.
11. If an employee responds to a records request with one of the last three responses listed above, the Department Director, the City Manager, and the City Attorney must be made aware in advance. Such instances are rare and will normally be of interest to City management.
 12. Sometimes, a request for information will involve numerous records and considerable staff time to respond. In that case, it may be appropriate to charge the requestor for the actual cost of accessing, searching for, duplicating and supplying the requested records. If the cost is expected to exceed \$200.00, we may ask the requestor to pay in advance. In any similar request, the situation should be conveyed to the City Manager and City Attorney for final decisions.

III. Suspected Theft and Fraudulent Transactions

- A. Fraud is an act which is characterized by deceit, concealment, or violation of trust perpetrated to obtain money, property or services, to avoid payment or loss of services or to secure personal or business advantage or other benefit.
- B. An employee who has knowledge of an occurrence of work-related fraud, or has reason to suspect that a fraudulent action has occurred at work, shall notify his or her Department Director as soon as possible and shall not discuss the alleged fraud with others. Upon receipt of an allegation, the Department Director will notify appropriate authorities, develop an action plan and coordinate all investigative processes.
- C. Confidentiality is critically important in handling fraud allegations and all participants shall keep the details and results of the investigation as well as the identities of involved employees confidential to the extent permitted by law. Information will only be shared on a need to know basis. The alleged fraud and investigation shall not be discussed with the media other than through the Communications and Marketing Department or other designated media contact, as appropriate. If the investigation concludes that the allegations of fraudulent activity by an employee are founded, the employee is subject to disciplinary action and/or legal action.

- D. Retaliation against individuals reporting suspected fraud or for cooperating, giving testimony, or participating in any manner in an investigation, proceeding, or hearing is unacceptable and will not be tolerated; however, such protection shall not condone unfounded or vindictive accusation of others.

IV. Secondary Employment

- A. To minimize the potential for conflict of interest and to ensure that employees are available for emergency service, the City limits secondary employment. An employee who wishes to engage in secondary employment must discuss such employment with his or her supervisor and obtain departmental approval before accepting a position outside of City employment. Permission to engage in outside employment is at the discretion of the Department Director based on the nature and needs of City employment, the type of secondary employment and the possibility of actual or perceived conflict of interest or conflict with the City's Code of Conduct.
- B. In the event that previously approved outside employment interferes with the employee's performance, attendance, timeliness or ability to work overtime or emergency hours, the employee may be required to discontinue such secondary employment or resign from his or her City position.
- C. An employee holding approved outside employment is normally restricted from working the secondary employment on days he or she is on paid leave or Leave Without Pay due to the employee's own illness or injury.
- D. Applicants offered City employment who intend to continue working another job after they begin working for the City must notify their supervisor of such employment prior to the start date.

V. Working Hours, Punctuality, and Attendance

- A. Each department determines the assigned shift, tour of duty and hours worked for the employees within the department. Every employee is expected to be on the job during all hours as assigned. Some type of properly authorized leave or holiday or appropriate flex time must cover time away from duty during regularly scheduled work hours. Cumulative, excessive absence, even if absences have been approved individually, may lead to employment action up to and including dismissal. If an employee must be absent, or late, he or she must notify the supervisor in advance of the scheduled working time whenever possible. When requesting leave or reporting an absence, the employee must personally contact the supervisor. Failure to give proper notice of absence or providing a reason for absence unacceptable to the supervisor will result in an unauthorized absence.
- B. Individual departments may have specific requirements regarding advance notice of an intended absence or tardiness; employees shall check with their supervisor if they have

any questions regarding how absence or tardiness is handled within their department. To the extent any provision in this policy would cause an exempt employee under the Fair Labor Standards Act to lose their exempt status, such policy shall not apply.

VI. Disciplinary Policy

The overall objective of this policy is to develop and implement solutions to problems as quickly and effectively as possible so that attention is focused on providing quality service to the citizens and creating a positive work environment for all. In most circumstances, employees perform at an acceptable or better level and demonstrate conduct that reflects credit upon themselves, their co-workers and the City of Lynchburg. When employees fail to conduct themselves in such a manner, it may become necessary to formally intervene to correct the behavior or end the employment relationship. Employees holding full-time, part-time and grant funded classified positions who have completed their initial employment period are subject to this policy. This policy provides guidance for effective problem resolution and as such it may be applied to employees within the initial employment period and those holding hourly positions, at the discretion of the Department Director.

- A. The City expects and anticipates that employees will be personally responsible for their behavior but recognizes that, on occasion, it may be necessary to take action to correct inappropriate behavior. Maintaining effective working relationships requires all employees to be aware of and abide by the Code of Conduct, City Policies and departmental rules and regulations. As far as possible, the City seeks to remedy underlying causes of problems through such means as counseling, mediation and training.
- B. The City distinguishes between misconduct and unsatisfactory performance (with the exception of acts of gross negligence) by defining unsatisfactory performance as the inability to meet performance expectations due to lack of skills, training, education or other similar circumstances. Unsatisfactory performance is typically addressed through the City's performance management program which identifies the specific actions required when an employee demonstrates overall unsatisfactory performance. Misconduct is generally defined as intentional and/or willful disregard for the city's standards of conduct and/or departmental rules. Employee misconduct is typically addressed through a progressive discipline system.
- C. Prior to implementing formal disciplinary action, informal verbal notices and discussions such as counseling and performance guidance sessions may be used to inform an employee that a problem exists and to discuss expected corrective actions.
- D. Alternative Actions: In addition to the traditional disciplinary process outlined below, alternative strategies such as individual corrective action plans, discipline without punishment, peer mentoring, mediation, conflict resolution, negotiated separation agreements or demotions may be used on a case-by-case basis when the alternate

strategy better serves the City's interest and is most likely to solve problems in the least negative and most cost effective way. The Human Resources Department is familiar with a variety of alternative actions and is available to provide advice and guidance.

- E. Progressive Discipline:** In general, the City follows a progressive discipline approach, establishing a set of guidelines rather than fixed disciplinary requirements. Progressive discipline encourages employees to become more productive and to adjust their behavior to City expectations and standards. In most cases, an employee will have the opportunity to correct problems before more serious disciplinary actions are necessary. The level of disciplinary action is dependent upon the unacceptable behavior and the circumstances surrounding the behavior. Accordingly, it is not necessary that a progression of disciplinary actions, from less stringent to more stringent, be followed. The City reserves the right to administer disciplinary action appropriate to the behavior and will take into account the overall situation before decisions are made.
- F. Disciplinary Actions:** The following actions describe the traditional disciplinary system established as a means to address employee misconduct. Supervisors and department heads may use these guidelines or may elect to use the alternate strategies as listed above as appropriate. The Human Resources Department shall provide assistance to supervisors, managers and employees in developing approaches to problems which first and foremost serve the City's interest and also meet the overall policy objective.
1. **Warning:** A formal face-to-face conference between a supervisor or manager and an employee to discuss an incident of misconduct and the corrective action expected. The manager shall document the warning in writing, provide a copy to the employee and maintain the documentation within the department.
 2. **Reprimand:** A letter or other written notice from a supervisor or manager to an employee identifying uncorrected misconduct. Such letters are used for behavior or violations deemed serious by a supervisor or where a warning has not helped to change the unacceptable behavior. A copy of such reprimand shall be made a part of the employee's official personnel file maintained by the Human Resources Department.
 3. **Suspension:** Formal action by a Department Director that places an employee in a non-pay, non-duty status for a specific length of time, expressed in working days. Suspensions from duty and pay for employees exempt from the Fair Labor Standards Act (FLSA) must be in full workweek increments. Suspension seriously impacts departmental productivity and the employee's pay and shall only be imposed when a lesser penalty is not appropriate or has not helped to correct the unacceptable behavior and when dismissal is too stringent.

4. Dismissal: An action taken by a Department Director to separate an employee from employment for cause as a last resort when serious misconduct remains uncorrected or when initial misconduct is so significant that the employment relationship must end.
- G. Resignation while charges are pending to dismiss: An employee who wishes to resign from his/her position during the dismissal process may request to do so by submitting a letter of resignation to the Department Director. The Department Director may accept the resignation or choose not to accept the resignation and proceed with the dismissal. If a resignation is accepted in lieu of dismissal, appropriate documentation to that effect shall be included in the employee's official personnel file. The Department Director may elect to include additional information at his or her discretion.
- H. Separations due to misconduct during the initial employment period: In the case of dismissals which take place during the employee's initial employment period, progressive discipline is not required. In these cases, the Department Director shall issue a letter notifying the employee of the separation and giving the reason(s) for the action.
- I. Establishing the Penalty: The following information contains guidelines that assist a supervisor and/or Department Director in setting a penalty. Disciplinary action is at the discretion of the supervisor and/or Department Director and failure to follow these guidelines does not invalidate the action taken. An effective process for determining a disciplinary penalty includes the following:
 1. Collect the relevant facts;
 2. Consider the nature, seriousness and consequences of the problem or infraction;
 3. Examine issues such as mitigating circumstances and the possibility of genuine misunderstanding on the employee's part;
 4. Consider the employee's past employment record including length of service and performance levels;
 5. Discuss the situation with Human Resources.
- J. Situations which show a need for more serious actions may include behavior that jeopardizes the employee's safety or the safety of others, previous offenses, including the nature and recency, and the impact of misconduct, gross negligence and/or disruptive behavior on both productivity and employee morale. Cumulative unrelated offenses may also indicate a need for more serious corrective action.

K. Supervisors may consider a variety of factors prior to initiating disciplinary action:

1. Has the employee been provided with adequate training, clear performance expectations and clear information as to the standards of conduct, guidelines and departmental rules?
2. Are the standards of employee conduct and rules being applied fairly and consistently? Have other employees demonstrating similar behavior or violating similar rules been treated consistently?
3. Have written records been maintained of previous counseling or reprimands? Has the employee been able to tell his or her side of the situation?

L. Investigative Procedures for Public Safety Personnel: Law Enforcement and Fire/EMS personnel, subject to investigations potentially leading to dismissal, demotion, suspension or transfer and included in the definitions of those terms in the Virginia State Code “Law Enforcement Procedural Guarantee Act” or “Firefighters and Emergency Medical Technicians Procedural Guarantee Act” shall be afforded all rights contained in the applicable Act.

M. Procedures: Authority to initiate the disciplinary actions of warning and reprimands shall normally be delegated to first line supervisors, subject to review and approval by the established chain of command within a department including the Department Director. The more serious actions of suspension or dismissal, shall be coordinated and signed by the Department Director and require notification of and endorsement by the City Manager’s Office and the Human Resources Department prior to issuance. The Human Resources Department will consult with the City Attorney’s Office regarding such actions on an as-needed basis.

1. Incidents sometime occur which are of such a dangerous or serious nature that immediate corrective action must be taken. Such cases generally involve real or potential hazards to life and/or property or significant disruption of the City’s mission. In these cases an employee may be immediately suspended from duty for the purpose of removing the employee from the work area. The supervisor must advise the department head of the situation as soon as possible after the incident takes place. Except in cases of significant safety violations, the employee’s absence is charged to administrative leave with pay until such time as an investigation is completed and the employee is notified of any action to be taken by management as a result of the incident, such as a fitness for duty exam, disciplinary action or further investigation. Where inappropriate behavior or actions are believed to be illegal, the department head may notify the appropriate law enforcement agency and the City Attorney.

2. In all cases, misconduct shall be carefully documented and written actions must clearly articulate the situation giving rise to the disciplinary action. At a minimum, the written disciplinary actions must state the specific action being taken, such as written reprimand, suspension or dismissal, and contain the following information:
 - a. Establish a proper factual foundation. What the employee did; clearly stating the specific conduct deemed unacceptable, describing the conduct in complete and explicit terms using plain language. Include dates, names, places, events, witnesses, etc.
 - b. How the behavior violated an expectation or rule: include the rule, expectation or standard relating to the behavior. It may be necessary to translate the problem into a recognized expectation especially when the unacceptable conduct is not tied directly to written expectations such as poor professional judgment, job carelessness or disruptive behavior. Include reference to previous instances of unacceptable behavior, if any.
 - c. What the impact of the employee's behavior was on the unit, division or department: cite the adverse effect of the employee's conduct on departmental or City operations and other persons especially where negative public notoriety occurs. Include effects such as real or potential damage to City property, real or potential harm to citizens or co-workers or real or potential liabilities.
 - d. What the employee must do to correct behavior: provide specific suggestions and/or directives for the employee to correct the behavior. Outline directions on the proper behavior or level of conduct expected to be followed in the future. Be clear and unequivocal and include the effective timeline and the consequence if the employee fails to satisfactorily correct the behavior - what will happen if there is not acceptable improvement. Identify any assistance that the employee may receive such as additional training.
 - e. What the employee's rights are concerning the action: the employee has a right to receive a copy of any documents that could lead to an adverse action prior to it being finalized and placed in the personnel file(s). The employee may respond in writing to the action and have that response included in the personnel file(s). Employees shall be notified that written action will be placed in the employee's personnel file(s) and that the employee may grieve the disciplinary action, if eligible, in accordance with the City of Lynchburg Grievance Procedure.
3. Actions Required for Suspension: Suspensions shall be expressed in working days and shall place the employee in non-pay, non-duty status. A face-to-face meeting between the employees and the Department Director shall take place and the employee shall receive written notice of the intent to suspend, including the reasons for the proposed suspension in advance of the proposed suspension. The Department Director may include the supervisor or other manager in the

meeting, at his or her discretion. Employees shall be given an opportunity to respond either verbally or in writing to show cause why the action should not be taken. The employee's response to the intended action does not constitute a grievance. The employee may be eligible to grieve should the action take place. The employee shall receive a letter of final determination at least 24 hours prior to the onset of the suspension

4. **Actions Required for Demotion for Cause:** A face-to-face meeting between the employee and the Department Director, or designee, shall take place and the employee shall receive written notice of the intent to demote, including the reasons for the proposed demotion, in advance of the proposed demotion. The Department Director may include the supervisor or other manager in the meeting, at his or her discretion. The employee shall be given the opportunity to respond either verbally or in writing to explain why the action should not be taken. The employee's response to the intended action does not constitute a grievance. The employee may be eligible to grieve should the action take place. The employee shall receive a letter of final determination at least 24 hours prior to the effective date of demotion.

5. **Actions Required for Dismissal:** A face-to-face meeting between the employee and the Department Director, or designee, shall take place (except in rare instances when a meeting is not possible) and the employee shall receive written notice of the intent to dismiss, including the reasons for the proposed dismissal, in advance of the proposed dismissal. The Department Director may include the supervisor or other manager in the meeting, at his or her discretion. In cases where the Department Director feels the employee's continued presence on the job during the notice period represents a hazard to himself or herself or others, adversely affects service delivery, morale or the image of the City, the employee may be suspended from duty and placed on administrative leave, typically with pay, pending the proposed dismissal. The employee shall be given the opportunity to respond either verbally or in writing to show cause why the action should not be taken. The employee's response to the intended action does not constitute a grievance. The employee may be eligible to grieve should the action take place. The employee shall receive a letter of final determination at least 24 hours prior to the effective date of dismissal. Example: A Department Director completes an investigation and determines the intent to dismiss an employee for major misconduct. About five days prior to the date of dismissal, the director, or designee, meets with the employee and provides the reasons for the intended dismissal. The employee is given a reasonable amount of time, usually one to three days, to respond to the reasons and provide information as to why he or she should not be dismissed. The director considers the response and makes a final determination to dismiss or take another action in lieu of dismissal. The director does not have to wait a full five days if the employee's response is completed within a shorter timeframe. The director provides the employee a written determination at least 24 hours prior to the actual dismissal.

- 6. Inappropriate Conduct:** Behavior and conduct unacceptable for City employees are listed below. The list has two sections, neither of which is all-inclusive nor in order of severity, but which are intended as guidelines to help supervisors, managers and Department Directors administer discipline in a fair and consistent manner. The specific circumstances of each case shall be considered prior to determining appropriate action.
- 7. Examples of Less Serious Infractions:** The following infractions include, but are not limited to, examples of those typically addressed through the use of the progressive disciplinary system or an alternative strategy.
- a. Rudeness, in person or on the telephone, to the public or co-workers;
 - b. Careless workmanship or negligence of a minor nature;
 - c. Careless use of City property resulting in possible or actual damage;
 - d. Failure to observe safety practices, including failure to use safety equipment such as eye protection devices or safety shoes;
 - e. First instances of tardiness or absenteeism;
 - f. Absence from the work station or department without permission;
 - g. Horseplay, pranks or non-work related activities during working hours;
 - h. Inappropriate, obscene or abusive language;
 - i. Inappropriate use of a City owned or leased vehicle including conviction of a minor moving violation;
 - j. Delay or failure to carry out assigned work or instructions in a reasonable period of time;
 - k. Conduct having an adverse effect on the City's interest or on the confidence of the public in City government that does not result in serious consequences;
 - l. Inappropriate use of electronic equipment or systems including the Intranet, Internet or e-mail systems.
- 8. Examples of More Serious Infractions:** The following infractions include, but are not limited to, examples of those typically so significant, disruptive or dangerous that they may require action outside of the progressive disciplinary system such as immediate suspension or dismissal.
- a. Insubordination or refusal to follow legitimate instructions of a supervisor;
 - b. Gross negligence;
 - c. Unauthorized use of City documents, records or confidential information;

- d.** Secretive or surreptitious audio or video recording of any other City employee, supervisor or manager without proper authorization from the supervisor or manager;
- e.** Making public statements or Internet postings that interfere with the City's ability to provide effective and efficient services to the public;
- f.** Willful failure to fulfill the responsibilities of the job to an extent that it might or does cause injury to a person or substantial damage to or loss of product, machinery, equipment, facilities, or other property or other harm;
- g.** Chronic or habitual absenteeism, being away from the workplace, or unexcused tardiness;
- h.** Major violation or disregard of established safety rules;
- i.** Dishonesty, deliberate misrepresentation, falsification or concealment of a material fact in connection with any official document;
- j.** Theft, actual or attempted;
- k.** Threatened or actual physical violence or verbal abuse;
- l.** Use, possession, or being under the influence of alcohol or drugs, except medication prescribed by a doctor and taken in accordance with his or her instructions, during working time;
- m.** Disorderly or immoral conduct while on City premises or on City business;
- n.** Sleeping on the job (except in the case of employees assigned to 24-hour shifts);
- o.** Off duty misconduct of such major significance that the employee is unable to fulfill job responsibilities, or of such significance that there is an adverse effect upon the City operations;
- p.** Violation of the "Code of Conduct". (Refer to the Code in Section I of this chapter for details);
- q.** Sexual, racial, or any other form of harassment;
- r.** Criminal or illegal activity that adversely affects the safe and effective operation of City business;
- s.** Use of City property for personal benefit;
- t.** Violation of other major City policies.

VII. Driving Policy

Effective service to the citizens and efficient use of City resources requires safe, accident-free operation of the motor vehicles used to perform official duties. This policy establishes the guidelines and procedures that govern vehicle operation, including driving and accident record review, as well as the disciplinary and rehabilitative measures that may be implemented. These guidelines rely on a three-pronged philosophy of acceptable driving history, driver's training and on-going accountability for individual actions. The City's core value of personal responsibility, i.e., taking ownership and accepting the consequences of individual actions, is the central component of the guidelines. The Human Resources department, in conjunction with Risk Management, ensures that all state and local requirements relevant to requests for information and official driving records are followed including appropriate security of all forms, records and documentation.

- A.** All City employees, Contract and Temporary Agency employees, including unpaid Interns who drive City vehicles must possess a valid Virginia motor vehicle operator's license and satisfactorily complete a City sponsored Defensive Driving course as scheduled by the Risk Management Department within 90 days of hire. Department Directors may require the Defensive Driving course for employees who will routinely drive personal vehicles to perform essential functions of their jobs.
- B.** Driving Record reviews for current City employees, Contract and Temporary Agency employees, including unpaid Interns, include annual review, for-cause review, periodic review and when an employee seeks reassignment to a position that requires driving a City vehicle.
 - 1. Risk Management completes Annual Driving Record reviews for all employees assigned to positions that require driving a City vehicle or to routinely drive a personal vehicle to perform the essential functions of their job. Employees must complete the DMV Information Request form when requested.
 - 2. For-cause reviews may be required at Risk Management's discretion in situations such as, when an employee is involved in a vehicle accident or receives a traffic citation while operating a City vehicle. Employees applying for or seeking reassignment to a position covered by the Driving Policy shall meet all the requirements of applicants.
 - 3. Periodic Driving Record reviews may be required, at Risk Management's discretion, on a case-by-case basis, following notice of violations, citations or suspensions.

4. An employee who drives as a part of his or her job must notify his or her supervisor and the Risk Manager within 24 hours if he or she receives any on- or off-duty citations that might affect his or her ability to retain a valid driver's license or has his or her license suspended or revoked for any reason.
- C. In accordance with State law, all persons driving City vehicles must be licensed in the State of Virginia. A minimally acceptable driving record for a current employee includes the following components:
1. -4 or fewer demerit points
 2. No DWI/DUI convictions within the last three years, subject to Risk Management review
 3. At least three years of continuously valid licensing
 4. An overall pattern of safe vehicle operation and driving habits
- D. The following conditions are unacceptable and normally prevent an employee from operating a City vehicle until his or her driving record improves to a minimally acceptable level or he or she meet other specific requirements established by the Risk Manager:
1. -5 or more demerit points
 2. DWI/DUI conviction within the last three years, subject to Risk Management review
 3. A license suspended due to driving violations, or accidents, unless the employee has completed two full years with no subsequent moving violations, at-fault accidents or penalties.
- E. Consequences
1. In the situation where a current employee's Driving Record is minimally acceptable and indicates that one additional violation of any kind will place him or her in the unacceptable category, the employee will be notified and required to satisfactorily complete a DMV certified Driver Safety and Awareness Course, also known as the Driver Improvement course. Risk Management will deliver the Driver Safety and Awareness Course on a regular basis or an employee may attend a certified course offered elsewhere in the city. In either case, the employee is responsible for any cost incurred to take the course. Attendance at a Driver Safety and Awareness course offered by Risk Management is normally considered regular working time. Failure to complete a certified course within the time period designated in the notice of requirement may result in driving restrictions and/or disciplinary action.

2. An employee charged with an on- or off-duty DWI/DUI is normally prohibited from driving a City vehicle, or a personal vehicle in lieu of a City vehicle, until a decision regarding the charge is rendered by the Courts. Assignment to a non-driving position, if available, is at the discretion of departmental management. If a non-driving position is not available, the employee may be required to take appropriate leave or be placed on administrative leave without pay pending the outcome of court proceedings. An employee charged with on- or off-duty DWI/DUI is also subject to the “Drug and Alcohol Testing” provisions of the City’s Employment Policies and Procedures.
3. An employee that drives or is found to have knowingly driven a City vehicle, or a personal vehicle to perform essential functions of his/her job, with a suspended or revoked driver’s license is subject to appropriate disciplinary action. In addition, the employee may be subject to quarterly Driving Record review for a period of one year.
4. Disciplinary action, up to and including termination from employment with the City, may be initiated in the event that an employee has an unacceptable driving record and/or loses his or her driver’s license or driving privileges. Disciplinary action may also be taken if an employee engages in misconduct or demonstrates poor performance relative to operating a City vehicle as determined by his or her supervisor.
5. Action taken in accordance with the City’s disciplinary policies may be in addition to driving prohibitions implemented by the provisions of this Driving Policy.
6. Department Directors and the Risk Manager may consider an employee’s performance and overall employment history prior to implementing driving restrictions. In some cases, due to significant liability concerns, driving restrictions may be implemented regardless of court actions.
7. If, based on agreement of the Risk Manager and relevant Department Director, an employee is allowed to continue driving City vehicles after a DUI charge or conviction, he or she must successfully complete the Virginia Alcohol Safety Action Program (VASAP) when mandated by DMV, complete a course of action determined appropriate by All Points EAP, authorize DMV record checks at least quarterly and have no subsequent recordable citations or accidents.

VIII. Drug and Alcohol Testing

The goal of the City of Lynchburg is to establish and maintain a safe and healthy workplace for an employee that is free from drug and alcohol abuse, and to protect the safety of its citizens by providing services in a safe manner. This policy establishes guidelines and procedures for drug and alcohol screening of applicants and employees, as well as disciplinary

actions and rehabilitative measures that may be required. Individual Department Directors may, with the advance approval of the Human Resources Director, establish additional procedures to further support and maintain a drug and alcohol free workplace.

- A.** The drug/alcohol screening tests conducted by the City will include for-cause testing, testing of persons applying for or seeking promotion to covered positions within the City, testing as a part of some employees' annual or periodic physical exams, in some instances, random testing and other testing necessary to comply with Department of Transportation regulations. Selected testing (i.e. annual or periodic testing as part of a physical, random testing, etc. as contrasted with for-cause testing) shall include a consideration of the nature of the jobs and the work-related needs of the department.
- B.** Employees are expected to report to work on time and in appropriate mental and physical condition for work. In order to accomplish the City's goals and maintain employee productivity, an employee must:
 - 1. Not have a detectable presence of illegal drugs in his or her system, have an alcohol concentration of 0.02 or greater, be under the influence of, nor have his or her ability to perform job duties impaired by alcohol or any other drugs whether legal or illegal, while on duty or on call, while on City property or while off City property in an official capacity, or at any time while operating a City vehicle. Any employee, who as a result of testing is found to have a detectable presence of illegal drugs or an alcohol concentration of 0.02 or greater in his or her system, regardless of when, where or how the substance entered the employee's system, will be in violation of this policy.
 - 2. Not use alcohol while on duty or report to work with the odor of alcohol on his/her breath or person.
 - 3. Not consume, use, possess, sell, buy, distribute, or offer to sell, to buy, or to distribute, or to manufacture any illegal drugs or alcohol or any substance that purports to be an illegal substance, any time during the scheduled work day, while on City property, or while off City property in an official capacity or at any time while operating a City vehicle.
 - 4. Submit to a drug or alcohol screening test when requested to do so by the supervisor, pursuant to the provisions of the City's Drug/Alcohol Testing Guidelines and/or Department of Transportation regulations as applicable.
 - 5. Provide within 24 hours of request a current valid prescription for any controlled substance or drug found to be in the employee's possession or identified in a positive drug screening analysis. (Note: Failure to provide the prescription shall give rise to a presumption that the employee did not legally possess or use the controlled substance or drug).

C. A current employee who seeks transfer or promotion into a listed position and who tests positive for drugs or alcohol shall not be eligible for such transfer or promotion and shall be subject to follow-up action in accordance with paragraph M.4.D “Disciplinary Actions and Rehabilitation”. An employee who tests positive may request additional screening pursuant to paragraph M.3 below.

D. Reasonable Cause Testing

The City of Lynchburg may require a current employee to undergo a drug or alcohol screen if there is reasonable cause to believe that the employee is under the influence of drugs or alcohol during work hours. Circumstances which constitute a basis for reasonable cause may include, but are not limited to:

1. A pattern of abnormal or erratic behavior (e.g., including but not limited to hyperactivity, unexplained mood or personality changes, paranoia, hallucinations);
2. Information which is provided by an individual who, in the judgment of the Department Director, is a reliable and credible source;
3. Work-related accidents or personal injuries that may have been caused by human error;
4. Direct observation of drug or alcohol use;
5. Presence of the physical symptoms of drug or alcohol use (e.g., including but not limited to glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, onset of unusual perspiration or shakes, unusual drowsiness or sluggishness);
6. Disregard or violations of established safety, security or other operating procedures;
7. Excessive time away from the workplace, excessive absenteeism or tardiness pattern;
8. Possession of alcohol or illegal drugs; or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee’s control;
9. Unexplained inability to think or reason at the employee’s normal levels;
10. Fighting, combative or assaultive behavior.

E. Random Testing

1. In compliance with U.S. Department of Transportation regulations, all City employees whose job duties require them to possess a valid Commercial Driver’s License must submit to random drug testing.

2. Work groups that have duties which carry great risk to the public or co-workers or that work with controlled substances may be included in a program of random drug/alcohol testing. In addition, the Department Director, with advance written approval from the Director of Human Resources, may designate a work group for inclusion in a program of random drug/alcohol testing. A work group will be notified of its designation for random drug/alcohol testing at least one month prior to the commencement of random testing.
3. A scientifically valid random selection method will be used to designate the employees to be tested. Each employee in the work group will have an equal chance of selection at all times. The procedures outlined in Section M, 1-6 apply to random testing.
4. An individual selected for random testing shall be notified on the same day when the test is to occur, preferably within two hours of the scheduled testing. The supervisor shall explain to the employee that the employee is under no suspicion of taking drugs and that the employee's name was selected randomly. The supervisor or other designated staff shall escort the employee to the testing facility.

F. Testing During Periodic Physical Examinations

An employee who completes a regularly scheduled physical examination as a part of his or her job may undergo a drug/alcohol test as a part of the periodic physical.

- G.** The failure of an employee to submit to a drug or alcohol screening shall be considered insubordination and shall subject the employee to immediate disciplinary action, up to and including possible termination from employment. An employee who refuses to take a drug or alcohol screen shall be immediately placed on administrative leave with pay, pending disciplinary action. The results of a drug or alcohol screen shall not be used by the City for any purpose other than to determine adherence to municipal policy, readiness for work, and appropriate discipline.
- H.** The City may search, at any time, without employee consent, all areas and property in which the City maintains either joint control with the employee or full control, including desks, containers, files, lockers and all City vehicles.
- I.** The City recognizes drug/alcohol dependency as an illness and a major health problem. The City also recognizes drug/alcohol abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program, which service is provided at no charge to employees by the City. Conscientious and voluntary efforts by an employee to seek help will not jeopardize his or her job and will not be noted in any personnel record except where such efforts follow a supervisory-initiated referral. However, due to the fact that unlawful use of illegal drugs is inconsistent with a sworn police officer's oath to uphold the laws of the

Commonwealth, any sworn law enforcement officer or law enforcement employee who works directly with controlled substances will be terminated if he/she tests positive for illegal drugs.

- J.** No employee shall be disciplined for the appropriate use of non-prescription or prescribed medication in the treatment of illness or injury. However, the employee is responsible for knowing that use of a non-prescription or prescribed medication does or could impair his/her ability to operate a City vehicle or equipment, or otherwise interfere in any way with his/her job performance. In such case, the employee shall inform his/her immediate supervisor and shall be prepared to provide a copy of the prescription or an indication of the medication upon request. Violation of this section of the policy may subject the employee to disciplinary action, up to and including termination.
- K.** Employees must, as a condition of employment, abide by the terms of this policy and report any arrest or conviction under a criminal drug statute for violations occurring on or off City premises. A report of an arrest or a conviction must be made to the Department Director within five days after the arrest or conviction.
- L.** An employee who is subject to the guidelines of the Drug-Free Workplace Act of 1989 (the Act) is also subject to additional requirements as follows. Within ten days after learning of an employee's criminal conviction for illegal drug activity within the workplace, the City will notify the granting agency of such conviction, as required by the Act. Within 30 days after learning of an employee(s) criminal conviction for illegal drug activity within the workplace, the City will take appropriate personnel action.
- M.** Procedures for Completing Drug or Alcohol Testing

 - 1. At all times, the supervisor will proceed with sensitivity so as to minimize embarrassment to the employee and to protect confidentiality and privacy. The supervisor will consult his or her supervisor and the Department Director prior to requesting a drug or alcohol screen.
 - 2. The supervisor will confidentially and privately explain to the employee the reason(s) for requesting a drug/alcohol screen. If the reason(s) for requesting a screen are based in any part on information received from a third party, the name of that third party will not be disclosed to the employee, without the third party's permission.
 - 3. The employee will be given an opportunity during the meeting with the supervisor to respond to the supervisor's assertions concerning the reasons for requesting the drug/alcohol screen. If the supervisor still believes the screen necessary or if the screen is pursuant to the random testing program or any follow-up testing at random intervals, the supervisor will ask the employee to sign his/her consent to have the screen performed by the City's designated representative.

4. The supervisor or his or her designee will physically escort the employee to the medical facility where the screen has been arranged to be conducted. The employee will provide a specimen or blood sample at the medical facility for testing. The supervisor shall have the authority to place on administrative leave with pay, or to reassign, an employee tested for reasonable cause while awaiting the results of the test when such action is in the best interest of the City. Such action is not to be considered disciplinary in nature, nor a presumption of guilt.
5. The results of the screen shall be reported to the employee, the supervisor, and the division or Department Director. Any quantification information will be reported only to the division or Department Director.
6. All written requests and test results will be placed in a confidential medical file, which will be kept separate from the official personnel file of the employee.

N. Disciplinary Actions and Rehabilitation

1. Any employee who refuses to consent to a drug/alcohol screen after meeting with the supervisor shall be subject to immediate disciplinary action up to and including possible termination from employment.
2. Adulteration detected in a specimen, substitution of a specimen or otherwise tampering with a specimen by the employee to be tested or by another city employee may be grounds for dismissal. In the event of adulteration, substitution or tampering, a new screen may be ordered if the tested employee is not dismissed.
3. If the drug screen is positive, the supervisor will meet with the employee prior to determination of an appropriate action/response. The employee will be given an opportunity to respond to the result. The employee may request, at his/her own expense, additional drug screening of the original test specimen by gas chromatography/mass spectrometry (G.C.M.S.) or other suitable testing procedure. If the second drug test is negative or inconclusive, the City, at its expense, may request a third test for further analysis of the test specimen. If both the second and third drug tests are negative, the City will reimburse the employee's share of the screening test costs to the employee, up to the normal cost that the City pays for its screening tests; and all test-related records will be purged. If two of the three drug test results are inconclusive, the employee shall be subject to follow-up drug/alcohol testing at random intervals during the next 12 months and may be subject to continued follow-up testing for a period of up to five years, at management's discretion.
4. If an alcohol test is positive, i.e. .02 concentration or higher, the testing equipment shuts down for a period of 15 minutes after which a second alcohol test will be performed to confirm the results of the initial test.

5. If the drug/alcohol screen is positive (and if any confirmation test is also positive), the supervisor will determine an appropriate action/response according to the following:
 - a. Because use of illegal drugs is unlawful and inconsistent with a sworn police officer's oath to uphold the laws of the Commonwealth, any sworn law enforcement officer or law enforcement employee who works directly with controlled substances will be terminated, if he/she tests positive for illegal drugs.
 - b. A positive drug/alcohol screen that confirms an employee, other than a police officer, has a detectable presence of illegal drugs in his or her system or has an alcohol concentration of 0.02 or greater, or has his or her ability to perform job duties impaired by alcohol or any other drug, whether legal or illegal, during work hours, including on-call time, may result in immediate suspension from duty, with pay, pending appropriate disciplinary action.
 - c. An employee who tests positive for drugs or alcohol and who also exhibits one or more of the reasonable cause criteria in this policy shall be presumed to have been at work under the influence of drugs or alcohol.
 - d. A positive test for drugs or alcohol is not necessarily the only method/means of determining that an employee has used drugs or alcohol in violation of City policies. Such a finding may be based on other observed facts and conditions.
 - e. While referral to the City's Employee Assistance Program will normally be the first course of employer initiated action following a positive drug/alcohol screen, certain circumstances may justify immediate disciplinary action up to and including possible dismissal. (Examples: A serious accident or act that causes substantial damage to property or serious injury to persons or matters in which the integrity, honesty, or ability to foster public trust is adversely affected). Generally, the employee will be referred to and remain in a counseling or rehabilitation program approved by the City until the approved program administrator is able to state that the employee has been successfully rehabilitated and can remain drug or alcohol free. While in the rehabilitation program, an employee may use annual, personal, sick, earned compensatory leave or request leave of absence without pay. If the employee refuses treatment, fails to complete the program, or fails to be rehabilitated, he/she shall be subject to dismissal from employment with the City.
6. Employees who test positive for drugs or alcohol are subject to being tested at random intervals for up to 12 months following the initial positive test and may be subject to continued follow-up testing for a period of up to five years, at management's discretion.

- a. An employee who is within his or her initial employment period will normally be separated from employment following a positive drug or alcohol test.
- b. A second positive test normally results in immediate dismissal from employment.
- c. The collection, documentation, storage/use and distribution of any records, files, and materials which result from the investigation of drug or alcohol use allegations and drug/alcohol screening tests are deemed strictly private and will be maintained in a confidential medical file, separate from official personnel files. (Note: Grievance forms and related documentation which may arise from any aspect of this program become a part of the grieving employee's official personnel file.)
- d. Drug/alcohol testing shall not be conducted for the purpose of gathering evidence for use in any criminal proceeding.

O. Severability and Modifications

- 1. Should any section, subsection or provision of this policy be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this policy as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.
- 2. As with all policies and procedures, the City of Lynchburg reserves the right to modify all or any part of this policy or procedure as may become necessary.

IX. Dress Code

- A. The City of Lynchburg is a public service delivery organization and expects all employees to dress appropriately for a business environment and in keeping with their work assignments. Public image plays an important role in developing and maintaining support for the organization and appearance that maintains the confidence and respect of the citizens of Lynchburg is important to effective City operations.
- B. Department Directors shall establish clear expectations according to the guidelines contained in this policy. Each employee must exercise good judgment and professional decision-making and comply with departmental expectations. In all cases, safety is paramount and no clothing, jewelry or accessories are allowed that might impact safe operations. This policy establishes a set of guidelines to be used across departmental lines. The following list is not intended to include every possible scenario but presents guidelines for employee and supervisory decisions.

1. Clothing, jewelry and accessories must not create a safety hazard for the employee or others.
 2. All clothing must be in good condition without holes, excessive wear or staining from use or design.
 3. Clothing may not display implied or stated profanity.
 4. Clothing may not display advertisements or logos for alcohol, tobacco products and/or illegal, racial or sexual connotations.
 5. Employees shall be clean, well-groomed and demonstrate acceptable personal hygiene.
 6. Appropriate undergarments must be worn.
 7. Employees shall not normally wear jewelry in facial and/or tongue piercing(s).
 8. Excessive or offensive (profanity, nudity, illegal acts, racial/ethnic slurs) tattoos must not be visible.
 9. Appropriate footwear must be worn.
- C. Direct Service Delivery Assignments:**
Employees working in direct service delivery assignments such as sworn public safety positions, public works, inspections or other operational/field capacities may be issued workplace uniforms that shall be worn while performing official duties.
- D. Management, including first line supervisors, may consider unique situations and may approve employee attire for a variety of reasons such as accommodations for medical conditions, religious practices, inclement weather and City and/or departmentally sanctioned employee events or activities.**
- E. Consequences:** Employees are expected to abide by management's guidelines and expectations and shall be held accountable for decisions that do not meet the guidelines. When an employee's attire does not meet expectations, the immediate supervisor shall first discuss the matter face-to-face with the employee to ensure that the employee understands the policy and its application. If the employee refuses to change his or her attire and/or fails to comply with the dress code, the supervisor may initiate disciplinary action in accordance with the City of Lynchburg's disciplinary policy.

X. Harassment

- A.** Harassment is verbal and/or physical conduct based on sex, race, religion, disability, national origin, age or any other class protected against discrimination by state and/or federal laws, when such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- B.** Sexual harassment is any unwelcome sexual advance, request for sexual favors and/or other verbal or physical conduct of a sexual nature when:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - 2. Submission to or rejection of such conduct upon an individual is used as a basis for employment decisions affecting such individual;
 - 3. Such conduct has a purpose or effect of substantially interfering with an individual's work performance or creating an intimidating hostile or offensive working environment.
- C.** The City of Lynchburg will not tolerate any form of harassment or bullying of its employees. Allegations of harassment or bullying shall be thoroughly investigated and disciplinary or corrective action taken as warranted. Reprisals against employees who file complaints of harassment are prohibited; however, the City shall not condone unfounded or vindictive accusation of others. The City shall make efforts to protect the legitimate interests of all parties concerned in a dispute involving allegations of harassment.
- D.** Employees who feel they have been subjected to harassment or bullying are expected to report the behavior to a supervisor, Department Director or Human Resources. Likewise, any employee witnessing harassing behavior is responsible for reporting such behavior to a supervisor, Department Director or Human Resources. The following responses are expected:
 - 1. Individuals who experience harassment or bullying must make it clear to the offending person that such behavior is offensive to them. Should such behavior continue or reoccur, the offended employee should bring the matter to the appropriate supervisor's attention or to the attention of other appropriate officials.
 - 2. Reports of harassment or bullying may be directed to the Human Resources Department, the City Attorney or the City Manager or the employee may contact an Employee Assistance Program counselor for consultation and advice. Every precaution will be taken to ensure confidentiality at this informal, information gathering stage.

3. The employee must report the incident to his or her immediate supervisor, appropriate Department Director, or other City official. Supervisors, Department Directors, or other City official shall take immediate action when they become aware of any act of harassment. An employee who believes that he or she has been subjected to harassment must promptly report such incidents. Supervisors have an obligation as well to act upon any knowledge of harassment in the workplace and to take prompt, corrective action when necessary to maintain a place of employment that is free of harassing, abusive or disruptive conduct. In addressing harassment complaints, the rights of all parties will be protected.

XI. Workplace Violence

- A. The City of Lynchburg is committed to maintaining a safe, healthy work environment where employees, visitors and customers are free from the threat of workplace violence. No employee shall engage in any act that threatens the safety of an employee, visitor or customer, affects the health, life or well-being of an employee, visitor or customer or results in damage to City or customer property. Such actions and incidents will not be tolerated under any circumstances. If such an incident occurs, anyone found to have violated this policy will be subject to disciplinary action, which may include termination.
- B. The City of Lynchburg Workplace Violence Policy applies to all employees regardless of funding, status or category and to all volunteers, unpaid interns or others working under the supervision of the City.
- C. Guidelines
 1. Organizational Responsibility: The City actively supports the prevention of workplace violence through the allocation of appropriate resources for assessment, training and intervention. The City takes acts or threats of workplace violence seriously and will promptly investigate and act on reports of violent acts or threats. While unfounded or vindictive accusations of workplace violence will not be tolerated, no one who reports a valid incident will be subject to reprisals or retaliation.
 2. Departmental Responsibility: Each City Department and/or Division shall work with Risk Management and the Police Department to complete regular site assessments and take appropriate action to correct to the extent possible with available resources, any physical problems that may create potential safety hazards.
 3. Managerial Responsibility: Managers and supervisors shall work in partnership with employees to maintain a safe, effective working environment. Managers and supervisors shall attend training on identifying and defusing workplace conflicts.

4. Managers and supervisors must intervene when they see behavior or actions in conflict with a safe and violence-free workplace regardless of the person engaging in such behavior. Where there is imminent danger, managers and supervisors shall immediately call 911. Managers and supervisors shall evaluate and investigate as needed if an incident of workplace violence is reported, is suspected of occurring or has actually occurred. Managers and supervisors shall follow up with employees to ensure that safety practices and procedures are consistently followed.
5. **Employee Responsibility:** Employees are expected to treat other people and property with respect. In most cases employees perform as expected and demonstrate conduct that reflects credit upon themselves, their coworkers and the City of Lynchburg. When employees fail to conduct themselves in such a manner it may become necessary to intervene as a means of correcting the behavior or ending the employment relationship. In the event of immediate threat or commission of a crime, employees shall immediately call 911. Employees are expected to promptly report threats or incidents of workplace violence to their supervisor or other available City official. When there is imminent danger to persons or property, employees are encouraged to take reasonable action to safeguard persons or property without putting themselves or others in danger.

D. Prohibited Behavior

In keeping with this policy, the City of Lynchburg prohibits any employee from engaging in acts of violence. Such acts include, but are not limited to:

1. Verbally, physically or through social media threatening, bullying, intimidating, coercing, harassing or assaulting an employee, visitor, customer or citizen;
2. Sexually harassing an employee, visitor, customer or citizen;
3. Acts that damage, or attempt to damage, City property or the property of an employee, visitor, customer or citizen.

E. Carrying, Display, and Use of Weapons

The carrying of a properly permitted concealed weapon is not prohibited. However, an employee may not use a weapon to engage in acts of violence or engage in acts that cause another person to have a reasonable apprehension for his or her safety. Such acts include, but are not limited to:

1. Using, threatening to use, or displaying a weapon of any kind, or any other object that could be used for the purpose of injury or intimidation, unless required by official job duties (such as a police officer);
2. Recklessly handling a weapon in a manner that could endanger the life, safety, or property of another.

- F. Reporting and Investigating Procedures:** Any employee who has been threatened, is a victim of a violent act, witnesses threats or violent acts, or learns of threats or violent acts, shall report such activity to his/her supervisor as identified above. In the event that violence is imminent, the employee shall call 911 immediately. An employee may also report an incident by calling Human Resources. Supervisors, in coordination with the police, Human Resources and/or the Risk Manager, as needed, shall promptly evaluate and investigate each report.
- G. Confidentiality:** Information about an incident of workplace violence will be shared only with those supervisors or managers with a legitimate need to know.

XII. Information Technology Security

The IT Security Policies establish guidelines for the proper and acceptable use of all information systems including e-mail by City Employees, elected officials, volunteers, interns, and other affiliates who may be authorized to use telephones, devices, hardware, software, and/or network connections provided by the City of Lynchburg. All electronic messages created with, received by, or stored within the telephone, hardware and software systems administered by the City of Lynchburg are the property of the City and, therefore, are not considered private. Employees do not have a personal privacy right in using the City's e-mail system. The City of Lynchburg reserves the right to restrict or remove access or availability of electronic tools for any employee that violates appropriate use and/or security policies and practices. Refer to the IT security Policies included on the Information Technology intranet site for more information.

XIII. Public Speech

- A.** The City respects and honors the First Amendment rights of its employees to speak out as citizens on matters of public concern and to post personal comments on the Internet (such as, but not limited to, an employee's own website, blog, Facebook, Instagram, Twitter or similar social networking site). However, City employees have important responsibilities and obligations to the public which impose some limits that do not apply to persons in the private sector. Employees must be mindful of these responsibilities, even when engaging in personal activities such as blogging and posting on web sites and social media.
- B.** Employees whose public statements or Internet postings interfere with the City's ability to provide effective and efficient services to the public may be subject to disciplinary action for such comments or postings. Examples of public speech or online postings for which an employee may be disciplined include, but are not limited to, public speech or postings that:
1. Impairs discipline or harmony among co-workers;
 2. Interferes with the employee's job performance;

3. Interferes with the operation of the City's business;
4. Discloses confidential or sensitive governmental information; or
5. Has a detrimental impact on working relationships that require personal loyalty and confidence.

XIV. Parking

Parking is normally provided to City of Lynchburg employees in surface lots and parking decks near various work sites. Parking for employees with an authorized handicap decal or license plate is also available near City worksites. Public parking spaces, including marked handicap spaces, surrounding City Hall and other City facilities are designed for use by residents and visitors and shall not normally be used for daily parking by employees.

XV. Smoking

The City of Lynchburg supports and promotes a smoke-free environment. On-duty employees are prohibited from smoking and/or tobacco use, including e-cigarettes and vaping in any municipal building or vehicle. Employees must abide by restrictions established by management regarding the conditions of outdoors smoking such as location and timing.

XVI. Inclement Weather

During inclement weather conditions, all municipal offices typically remain open to serve the citizens of Lynchburg and employees are expected to report to work. In situations of extreme weather conditions, Department Directors shall determine the staffing levels required to meet citizen/customer needs and may allow liberal leave usage so that employees who are concerned about their travel safety may use appropriate accrued leave. In these cases, supervisory approval for leave usage is required. In rare situations, the City Manager may declare a state of weather emergency and close non-essential City functions. Employees not allowed to report to work during such states of emergency must normally use appropriate paid time off.

XVII. Reporting Employee Accidents/Incidents

Employees involved in an on-the-job accident or incident that results in an injury or potential injury, **no matter how slight it may seem**, must report the accident to their supervisor immediately (on the day of the accident or as soon as possible). The supervisor must complete the Employee Accident Report form in writing and notify Risk Management as soon as possible. Failure to report any such injury may result in the loss of Workers' Compensation benefits.

8 Grievance Procedures

I. General Information

- A.** The City of Lynchburg supports prompt and fair methods for resolving complaints and grievances of its employees. Employees whose grievances, as defined herein, result from work situations deserve and have the right to submit such grievances for orderly resolution with freedom from discrimination, coercion, recrimination, restraint, retaliation or reprisal. In addition, resolving grievances quickly and equitably promotes effective employer-employee relationships and is in the mutual interests of all affected parties.
- B.** This policy sets forth the general procedures for the administration and resolution of all grievable employment disputes, as defined in subsequent paragraphs. Reasonable efforts will be made to resolve employee complaints and grievances on an informal basis at the lowest level of management possible.
- C.** All steps of the grievance procedure beyond the first step shall be in writing on forms supplied by the Human Resources Department. Personal face-to-face meetings are required at all steps of the procedure. At each step in the process, the grievant shall be prepared to present his or her view of the events which both preceded and followed the disputed action.
- D.** Persons who may normally be present in the grievance meetings are the grievant, the appropriate hearing official at the level at which the grievance is being heard, and appropriate witnesses for each side. Witnesses shall usually be present only while actually providing testimony. When witnesses are permitted to remain in the hearing for one side, witnesses for the other side shall also be permitted to remain.
- E.** At the third and fourth step of the procedure, the grievant may choose to have a representative of his or her choice present to provide assistance. If legal counsel represents the grievant; management may be represented by counsel. All costs for employee representation shall be borne by the employee. The grievant's representative or attorney shall be designated by the employee in writing at the time he or she presents the grievance in writing at the appropriate step. If another City employee is chosen as a representative and that person is willing to represent the grievant, he or she shall not be denied permission to do so unless the representation would contribute appreciably to the neglect of that person's regular duties, or would constitute a clear conflict of interest with his or her regular duties. For example, a staff member of the

City Attorney's Office whose regular duties may require them to advise management and employees on matters related to grievances shall not be allowed to act as employees' representatives. In no case will managerial or supervisory personnel act as an employee representative against City management.

- F.** In accordance with the non-public nature of a grievance hearing, any recording by tape or any other means is strictly prohibited without the consent of both parties. At the conclusion of each written step in the Grievance Procedure, the hearing officer will transmit the decision along with appeal forms and addenda to the grievant with copies to the immediate supervisor, the respective Department Director, and the Director of Human Resources.
- G.** As a grievance moves through the levels of appeal, an employee may not materially change the basic nature or content of his or her grievance after it is reduced to writing, nor may he or she change the relief sought. Further, an employee may not withhold available evidence from the early steps of the grievance procedure and then seek to introduce such evidence for the first time during the final steps of the grievance procedure. When processing any grievance to a higher step in the procedure, the grievant should recognize that each appeal will be handled as a hearing de novo in which the original dispute is the basis for the further appeal. Therefore, the hearing officer, panel or board will decide among three courses of action: (a) to uphold the original decision of the immediate supervisor; (b) to overturn the original decision; or (c) to modify the original decision.
- H.** Except in instances where grievances might arise within the Human Resources Department, the Director of Human Resources or designee shall act in a neutral manner in these proceedings. Upon request, the Director of Human Resources will counsel employees with regard to grievances. The Director shall be responsible for designing all necessary forms, making policy interpretations which might become necessary, issuing additional guidelines for the orderly administration of employee grievances in accordance with this Grievance Policy, and serving as Secretary to the Appeal Board and to the Grievance Panel. As provided within this policy, time limitations are designed to be fair and reasonable to both the grievant as well as to those individuals who will be involved in hearing and seeking the resolution of a grievance settlement at each successive step.

II. Coverage of Personnel

- A.** This policy governs the administration and processing of all grievances of the classified employees of the City of Lynchburg, excluding all personnel of the Lynchburg Public Schools and the Local Constitutional Offices.
- B.** All employees holding full- and part-time classified City of Lynchburg positions who have completed their initial employment period are eligible to file grievances with the following exceptions:

1. City Council appointees;
 2. Department Directors and their equivalents;
 3. Deputy City Manager(s);
 4. Assistant City Manager(s);
 5. Building Official able to elect Section 104.1, Part I, of the Uniform Statewide Building Code;
 6. Employees holding hourly and/or grant funded positions; and
 7. Law Enforcement Officers covered by the Law-Enforcement Officers Procedural Guarantee Act, Chapter 5, Sections 9.1-500 through 9.1-507, of Title 9.1 of the Code of Virginia who have elected to proceed pursuant to those provisions in the resolution of their grievance.
- C. The Director of Human Resources shall maintain an up-to-date list of the excepted positions. The current list is attached as Appendix A.

III. Definition of a Grievance

- A. A grievance shall be a complaint or dispute by an employee relating to his or her employment, including but not necessarily limited to:
1. Disciplinary actions including dismissals that result from formal discipline or unsatisfactory job performance, disciplinary demotions, suspensions, and reprimands;
 2. The application of personnel policies, procedures, rules and regulations;
 3. Acts of retaliation as the result of either the use of the grievance procedure or participation in the grievance of another city employee;
 4. Discrimination on the basis of race, color, creed, political affiliation, age, disability, national origin, religion or sex;
 5. Acts of retaliation because the employee has complied with any federal or state law, has reported any violation of such law to a governmental authority, or has sought any change in law before the Congress of the United States or the General Assembly or has reported an incident of fraud, abuse or gross mismanagement.

IV. Local Government Responsibilities - Management Rights

- A.** The City shall retain the exclusive responsibility to manage the affairs and operations of government. Accordingly, the following complaints are non-grievable:
1. Establishment and revision of wages or salaries, position classification or general benefits;
 2. Work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content;
 3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
 4. Failure to promote except where the employee can show established promotional policies or procedures were not followed or applied fairly;
 5. The methods, means and personnel by which such work activities are to be carried out;
 6. The hiring, promotion, transfer, assignment, evaluation, counseling and retention of employees within the City government;
 7. The relief of employees from duties of the City government in emergencies;
 8. Voluntary resignation; and
 9. Counseling sessions and/or counseling memo;
 10. Note that when the actions above affect an employee who has been reinstated within the previous six months as the result of the final determination of a grievance, termination, layoff, demotion or suspension from duties because of a lack of work, reduction in work force or job abolition, they may be grievable.
- B.** In any grievance brought under the exception to provision 10 of subsection A., the action shall be upheld upon a showing by the City that:
1. There was a valid business reason for the action; and
 2. The employee was notified of the reason in writing prior to the effective date of the action.

V. Determination of Grievability

- A.** The issue of grievability may occur at any step of the procedure prior to the Panel/ Board Hearing, but once raised, the issue must be finally resolved as provided herein before further processing of the grievance. Decisions regarding grievability and access to the procedure shall be made by the City Manager, or his designee, at the request of management or the grievant within 10 calendar days of such request. A copy of the ruling will be sent to the grievant. In all cases, the issue of grievability must be resolved prior to the Panel/Board Hearing or it shall be deemed to have been waived by management and the grievance shall be processed to conclusion.
- B.** It is the employee's responsibility to present evidence establishing the grievability of his or her complaint; conclusory statements that a matter is grievable are not sufficient. The failure of an employee to provide sufficient facts to demonstrate that the employee's complaint is in fact grievable, will result in a finding that the complaint is nongrievable.
- C.** The grievant shall have 10 calendar days to appeal a decision of non-grievability to the Circuit Court of the City of Lynchburg, Virginia for a hearing on the issue of grievability, as provided for in the Code of Virginia, Section 15.2-1507 A9a. Proceedings for review of the decision of the City Manager shall be instituted by filing a notice of appeal with the City Manager within 10 calendar days after the date of the decision and giving a copy thereof to all other parties. Within 10 calendar days thereafter, the Manager shall transmit to the Clerk of the Circuit Court of the City of Lynchburg and to the grievant the following:

 - 1. A copy of the decision of the City Manager;
 - 2. A copy of the notice of appeal; and
 - 3. The exhibits.
- D.** A list of the evidence furnished to the Court shall also be furnished to the grievant. The failure of the City Manager to transmit the record within the time allowed shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the City Manager to transmit the record on or before a certain date.
- E.** Within 30 calendar days of receipt of such records by the Clerk, the Court, sitting without jury, shall hear the appeal on the record transmitted by the City Manager, or his designee, and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice may require. The Court may affirm the decision of the City Manager or his designee, or may reverse, or modify the

decision. The decision of the Court shall be rendered no later than the 15 calendar days from the conclusion of the hearing. The decision of the Court is final and is not appealable.

- F. The classification of a complaint as “nongrievable” shall not be construed to restrict any employee’s right to seek or management’s responsibility to provide customary administrative review of complaints outside the scope of this grievance procedure.

VI. Time Periods

All grievable employment disputes, as defined in the preceding paragraphs, must be processed through four steps of successive appeal and within the specified time limits, except as noted within this policy. For purposes of this Procedure, all time limits are stated in terms of “calendar days.” If the last day of any time limit falls on a Saturday, Sunday, or observed City holiday, the following regular weekday shall be considered the last day. Time frames may be extended by mutual agreement of the hearing officer and the grievant. The Grievance Panel or Board, at their discretion, or at the request of either party to the grievance, may extend any or all of the prescribed time periods applicable after the grievance is received by the Panel/Board. These time periods may be extended in writing based upon mutual agreement in advance by the two parties (the grievant and the individual hearing the complaint or grievance). The Panel or Board may, by mutual agreement with the grievant, continue the hearing.

VII. Compliance

- A. After the initial filing of a written grievance, failure of either party to comply with all substantial procedural requirements of the grievance procedure, including the panel or board hearing, without just cause will result in a decision in favor of the other party on any grievable issue, provided the party not in compliance fails to correct the non-compliance within 5 work days of receipt of written notification by the other party of the compliance violation.
- B. Such written notification by the grievant shall be made to the City Manager or his designee. The City Manager, or his designee, at his option, may require a clear written explanation of the basis for just cause extension or exceptions. The City Manager, or his designee, shall determine compliance issues. Compliance determinations made by the City Manager shall be subject to judicial review by the filing of a petition with the Circuit Court of the City of Lynchburg, Virginia within 30 days of the Compliance determination.

VIII. Relief Sought

Once an employee reduces his or her grievance to writing, he or she must include, in writing, the specific relief he or she expects to obtain through the use of the grievance procedure. The relief sought shall be personal to the grievant (e.g., the relief sought may not be the dismissal or discipline of another employee). The relief sought must be

consistent with the issues determined to be grievable under this procedure and may not be in conflict with the management rights section of this policy. The grievant may accept the relief granted at any step of the procedure and his or her grievance shall be considered resolved. However, prior to the Panel/Board Hearing, if the employee finds any part of the relief granted unacceptable, he or she must advance the entire grievance and relief sought to the next step of the procedure. The decision of the Panel/Board is final and binding.

IX. Waiver of Steps

Any of the steps in the grievance procedure, except the fourth step panel/board hearing, may be waived based upon the mutual written agreement of the grievant and the City Manager. A “Grievance Step Waiver Form”, available from Human Resources or the City’s Intranet site, must be completed and signed by the grievant and the City Manager prior to the required meeting(s) between the grievant and management and shall be included in the official grievance file maintained in the Human Resources Department.

X. Steps in the Grievance Procedure

The City grievance procedure contains four steps. In some cases, Step 1 and Step 2 may be addressed to the same individual due to the nature of the action being grieved. Regardless, both steps are necessary and must be completed in order, unless a waiver of steps has been approved.

STEP 1: Supervisor/Department Director Level

An employee who has a grievance shall orally present his or her initial complaint to his or her immediate supervisor (or to the acting supervisor in the absence of the immediate supervisor) or to the Department or Division Director if the grievance relates to a suspension, dismissal or policy decision, within 20 calendar days after the event giving rise for the grievance. It is the responsibility of the employee to inform the supervisor or director of his or her intention to formally grieve. An employee’s complaint does not become an official grievance until the employee identifies it as such in a face-to-face meeting. The supervisor or director shall give the employee his or her verbal response within 10 calendar days after its presentation and shall develop and maintain written documentation of the date the meeting took place, the decision made and the date the decision was given to the employees. Each immediate supervisor shall keep appropriate accounts of the complaints that he or she receives.

STEP 2: Department Director Level

1. If the complaint is not resolved in Step 1, the employee may, within 10 calendar days of his/her supervisor’s oral response, reduce the grievance to writing on an “Employee Grievance Form” and submit it to his or her respective Department Director (or to the acting Department Director in the Director’s absence). This submission will be the aggrieved employee’s explanation of what has occurred,

his or her reasons for rejecting the Step 1 response, and the specific relief that he or she desires for resolution of the grievance. If an employee chooses to grieve an action taken by a department to which the employee is not assigned, he or she shall submit the grievance form to the director of the department taking such action.

2. Within 10 calendar days of receipt of the completed grievance form, the Department Director (or the acting director in the director's absence) will meet with the grievant, the grievant's immediate supervisor and/or manager directly involved in issue, and appropriate witnesses, i.e. those persons having direct knowledge of the issue. If the grievant desires testimony by a witness(es) who is scheduled for City duty, he or she will notify the respective Department Director at least 24 hours in advance; and if a witness(es) is not scheduled for City duty, the grievant will be responsible for arranging the presence of this witness(es). The appearance of witnesses before the Department Director is strictly voluntary.
3. A written reply to the grievance signed by the Department Director shall be provided to the employee within 10 calendar days after the second step meeting. The grievance file, including all attachments shall be forwarded to the Human Resources Department following the second step decision.

STEP 3: City Manager Level

1. If the second step decision is not acceptable to the grievant, he or she shall have 10 calendar days after receipt of the decision in which to request a meeting with the City Manager, or his or her designee. The grievant must complete the "Step Three Grievance Form" and submit it to the Human Resources Department to request further consideration of his or her grievance. Human Resources shall record its submission and forward the grievance and related documents to the City Manager who may designate one or more individuals to assess and undertake its resolution.
2. The City Manager, or designee, shall meet with the aggrieved employee, the employee's immediate supervisor and/or manager directly involved in issue, the Department Director, and appropriate witnesses, i.e. those persons having direct knowledge of the issue, within 10 calendar days to discuss informally the particulars of the incident surrounding the grievance and the specific dispute for resolution.
3. If the grievant desires testimony by a witness(es) who is scheduled for City duty, he or she must notify the respective Department Director at least 24 hours in advance; and if a witness(es) is not scheduled for City duty, the grievant will be responsible for arranging the presence of this witness(es). The appearance of witnesses at the grievance hearing is strictly voluntary.

4. In addition to the presence of these persons, the aggrieved employee may elect to be accompanied by a representative of his/her choosing (who may be another City employee); however, the grievant must include the name of the representative, and state whether or not the representative is an attorney, on the Step 3 Employee Grievance Form at the time of submission. If the grievant is represented by legal counsel, the City Manager or designee may also be represented by counsel. All costs of employee representation shall be borne by the employee.
5. The City Manager, or designee, has the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing; and at the request of either party, the hearing shall be private. Grievance hearings cannot be recorded by tape, stenographer or any other means without the consent of both parties.
6. The City Manager, or designee, has the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence.
7. If the City Manager, or designee, determines that additional evidence is needed to make an informed decision, he or she may continue the Step 3 hearing to hear such additional evidence.
8. The City Manager or his or her designee shall reply in writing to the grievant within 10 calendar days after the third step hearing.

STEP 4: Appeal Board or Grievance Panel

1. If the City Manager's decision is not acceptable to the grievant, he or she may, within 10 calendar days submit his or her dispute to the resolution of the ultimate authority available in this Grievance Procedure - either (a) the City Employee Appeal Board or (b) the City Employee Grievance Panel depending upon the nature of the particular grievance involved. Requests for further consideration of the grievance shall be made by completing the "Step Four Grievance Form" and submitting it to the Director of Human Resources.
2. Within 10 calendar days following receipt of the "Step Four Grievance Form" the Director of Human Resources, or designee, shall convene a non-public, informal hearing of the appropriate body (Board or Panel) for the necessary discussion, consideration, and resolution of the grievance.
3. As in Step 3, the aggrieved employee, his or her supervisor and the Department Director shall be present at the Board or Panel hearing, and appropriate witnesses

as well as representatives may also be in attendance. If the grievant desires testimony by a witness(es) who is scheduled for City duty, he or she will notify the respective Department Director at least twenty-four hours in advance; and if a witness(es) is not scheduled for City duty, the grievant will be responsible for arranging the presence of this witness(es). The appearance of witnesses before the Board or Panel is strictly voluntary. If the grievant intends to have a representative at the Panel/Board hearing, the grievant must include the name of the representative, and state whether or not the representative is an attorney, on the Step 4 Employee Grievance Form at the time of submission.

4. Subsequent to the hearing and within 10 calendar days thereafter the Chair of the Board or Panel will notify the grievant in writing of the decision of the respective body (Board or Panel). Copies of this written decision of the Board or Panel will be forwarded to the City Manager, the respective Department Director, the grievant's supervisor, and the Human Resources Department. A final determination by the Panel or Board must be consistent with law and written policies. Either party may petition the Circuit Court for implementation of the Panel/Board decision.

City Employee Appeal Board (Board)

1. The Board is charged with the responsibility of resolving any Step 4 grievance that involves the demotion, dismissal or suspension of 14 days or more of the aggrieved employee. Membership on the Board will consist of three citizens and two City employees selected in the following manner:
2. The three citizen members are selected from among a list of four appointed by the Lynchburg City Council for staggered three-year terms of office. These citizen members will elect a Board Chairman from among themselves. If any of the citizen Board members are unable to participate in a particular hearing, the grievant may either:
 - a. Accept a hearing before the two City employee members plus any two citizen members, wherever possible, of the Board; or
 - b. Elect to have his or her hearing continued until a maximum of five working days following the next regularly-scheduled City Council meeting when substitute citizen Board member(s) would be appointed for this particular grievance hearing. If only one citizen Board member is available to hear the grievance or if a tie should develop, the particular hearing will be automatically continued until such time that a hearing would be possible before a complete Board which includes two City employee representatives and three Council-appointed citizen members.

3. The two employee members will be one supervisory employee and one non-supervisory employee. Selection of these employees will be determined by an election held every two years in which all classified City employees, as eligible voters, will elect one list of 10 supervisory and one list of 10 non-supervisory personnel to serve as employee participants in the City's grievance resolution process. Following election, the names of the top five members on each separate list will be alphabetized and be used as the primary members. Those employees elected in positions six through ten on each list will serve as alternate supervisory and non-supervisory employee representatives.
4. The City employee members will be assigned to a Board, as needed, starting with the first name on each list. The next Board will include the second member on each list and this rotating basis will be continued at each successive Board as needed. When all names have been exhausted, each list will repeat itself in the same sequence. If an employee is not available, Human Resources will select the next name on the list to serve.
5. Alternate employee representatives will not be selected to serve on a Board unless the requisite number of employee representatives elected in positions one through five is not available to serve on the Board.
6. Note: Each of the two lists (supervisory and non-supervisory) of elected City personnel may not include more than two individuals from any single department. Nor will more than two individuals from the same department be included on any alternate list.
7. The Board shall not be composed of any individuals having direct involvement with the grievance being heard by the Board, or with the complaint or dispute giving rise to the grievance. Managers who are in a direct line of supervision of a grievant, individuals from the same department as the grievant, individuals residing in the same household as the grievant and the following relatives of a participant in the grievance process or a participant's spouse are prohibited from serving as Board members: spouse, parent, child, descendants of a child, sibling, niece, nephew and first cousin. In such situations, the Director of Human Resources shall designate the next person on the appropriate list to serve on the Board.
8. No attorney having direct involvement with the subject matter of the grievance, nor a partner, associate, employee or co-employee of the attorney shall serve as a Board member.

City Employee Grievance Panel (Panel)

1. The Panel is charged with the responsibility of resolving Step 4 grievances other than those types specified for resolution by the City Employee Appeal Board. Membership on this Panel will be comprised of a total of three persons: two City personnel members and one citizen; the chairman of the Panel will be the citizen member.
2. To achieve this composition, each of the four citizen appointees to the Appeal Board as identified above, serve on the Panel on a rotating basis from one hearing to the next. Should a member not be available, the next person on the list will be selected to serve.
3. The two City personnel Panel members shall be one supervisory employee and one non-supervisory employee according to the same alphabetical listing and scheduling arrangements as indicated for the City Employee Appeal Board. The specific employees filling these two membership positions will serve on a rotating basis from one Panel hearing to the next,

The system outlined above is designed to be an equitable and objective approach for designation of both Panel and Board membership in the final determination of employee grievances. It also provides a method by which the grievances of City personnel can be heard by an audience that includes both supervisory and non-supervisory representation from within the ranks of City employment and a high-level of citizen involvement as well.

XI. Rules for Grievance Panels

- A. Hearings before the City Employee Appeal Board and the City Employee Grievance Panel, both of which are referred to as “Grievance Panels,” shall be conducted by the following rules:
 1. Grievance Panels do not have authority to formulate policies or procedures or to alter existing policies or procedures nor do they have the authority to award monetary damages, expenses or attorneys’ fees to a successful grievant;
 2. Grievance Panels have the discretion to determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing; and at the request of either party, the hearing shall be private. Grievance hearings cannot be recorded by tape, stenographer or any other means without the consent of both parties;
 3. The City must provide the Grievance Panel with copies of the grievance record prior to the hearing, and provide the grievant with a list of the documents

furnished to the Grievance Panel. The record shall include the Step 2 and Step 3 written decisions and all documents that were relied upon in the Step 1, Step 2 and Step 3 meetings;

4. The grievant and his attorney shall be allowed access to and copies of all relevant files intended to be used in the grievance proceeding, at least ten (10) calendar days prior to the scheduled hearing;
5. Grievance Panels have the authority to determine the admissibility of evidence without regard to the burden of proof, or the order of presentation of evidence, so long as a full and equal opportunity is afforded to all parties for the presentation of their evidence;
6. All evidence shall be presented in the presence of the Grievance Panel and the parties, except by mutual consent of the parties;
7. Documents, exhibits and lists of witnesses are to be exchanged between the parties at least three days in advance of the hearing. The appearance of witnesses before the Grievance Panel or hearing officer is strictly voluntary;
8. The majority decision of the Grievance Panel, acting within the scope of its authority, is final, subject to existing policies, procedures and law;
9. The decision of the Grievance Panel shall be provided to all parties within 10 calendar days after the conclusion of the hearing; and
10. Other provisions may apply, in order to facilitate fair and expeditious hearings, with the understanding that the hearings are not intended to be conducted like proceedings in courts, and that rules of evidence do not necessarily apply.

B. Implementation of the Decision

Either party may petition the Circuit Court of the City of Lynchburg for an order requiring implementation of the Step 4 decision.

XII. Maintenance of Grievance Records

Once a grievance is reduced to writing, the Department Director handling the grievance shall initiate a grievance file. This file shall contain copies of all forms, memoranda, letters, waivers, exhibits and/or summaries of all meetings and decisions rendered concerning the grievance. At the conclusion of the Second Step, the file shall be forwarded in its entirety to the Human Resources Department. As the grievance progresses through the various steps of the procedure, copies of all additional data shall be added to the file until the grievance is resolved. When the grievance is resolved the file shall constitute the official record of the grievance and shall be maintained by the Human Resources Department.

8

Grievance Procedures Appendix A

Positions Excluded from the Grievance Procedures As of July 1, 2016

City Council Appointees:
City Manager
City Attorney
Clerk of Council

Building Official able to Elect Part I, Section
105.1 Appointment of Building Official, of
the Uniform Statewide Building Code

Deputies and Assistants to the
City Manager:
Deputy City Manager
Assistant City Manager

Law Enforcement Officers choosing to
utilize the Law-Enforcement Officers
Procedural Guarantee Act, Chapter 5,
Sections 9.1-500 through 9.1-507, of Title 9.1
of the Code of Virginia:

Department Directors and Equivalents:
Airport Director
City Assessor
Director of Communications & Marketing
Director of Community Development
Director of Economic Development
Director of Emergency Services
Director of Financial Services
Director of Fleet Services
Director of Human Resources
Director of Human Services
Director of Information Technology
Director of Parks & Recreation
Director of Public Works
Director of Tourism
Director of Water Resources
Fire/EMS Chief
Parking Manager
Chief of Police

Police Recruit
Police Officer
Police Sergeant
Master Police Officer
Police Lieutenant
Police Captain
Police Major

Employees Holding
Grant-Funded Positions

Employees Holding Hourly Positions



Grievant's Name (please print)	Department
Mailing Address	Date of Occurrence Prompting Grievance __/__/__
Phone	Date Step 1 Response Received __/__/__
Grievant's Signature	Date / /

[illegible]

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Year	2010	2011	2012	2013	2014	2015
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Department Director's Response.	

Department Director's Signature _____ Date _____



Appendix C Employee Grievance Form Step 3: City Manager Level

To advance your grievance to Step 3, you must submit this completed form to the City Manager within 10 days of receipt of the Step 2 decision.

Grievant's Name (please print)	Department
Mailing Address	Date of Occurrence Prompting Grievance __/__/__
Phone	Date Step 2 Response Received __/__/__
Grievant's Signature	Date __/__/__

Please explain why the Step 2 response is unacceptable to you.

--

Please re-state the specific relief (remedy) you are seeking.

--

Representative's Name (if applicable) _____ the representative is an attorney ☐ Yes ☐ No

Grievant's additional information attached: ☐ Yes ☐ No

City Manager or Designee Response.

--

City Manager's or Designee's additional information attached: ☐ Yes ☐ No

City Manager's or Designee's Signature _____ Date _____



Appendix D
Employee Grievance Form
Step 4: Panel/Board Hearing Level

To advance your grievance, you must submit this completed form to the Human Resources Department within 10 days following receipt of the Step 3 decision.

Grievant's Name (please print)	Department
Date of Occurrence Prompting Grievance __/__/__	Date Step 3 Response Received __/__/__
I request further consideration of my grievance.	
Grievant's Signature _____	Grievant's Signature Date __/__/__

Please explain why the Step 3 response is unacceptable to you.

Please re-state the specific relief (remedy) you are seeking.

Representative's Name (if applicable) _____ the representative is an attorney ☐ Yes ☐ No

Please indicate if additional information attached: ☐ Yes ☐ No

(For Human Resources Use Only)

☐ City Employee Appeal Board
(Demotion, 14 day or more suspension or dismissal)

☐ City Employee Grievance Panel
(All other grievable issues)

Date of Hearing __/__/__ Time of Hearing _____

Location of Hearing _____

Board or Panel Response - Final and Binding

Date

Signature of Chairman

Names of Other Panel Members: _____



Appendix E

City of Lynchburg

Grievance Step Waiver Form

Name _____ Current Date _____

Department _____ Supervisor _____

Action Being Grieved	Date of action
----------------------	----------------

I wish to waive the following step(s) of the Grievance Procedure:

☐ First Step (Immediate Supervisor)

☐ Second Step (Department Director)

☐ Third Step (City Manager)

I wish to waive the above step(s) for the following reason(s):

[illegible]☐ Approved☐ Not Approved

Employee Signature

City Manager

Date _____

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